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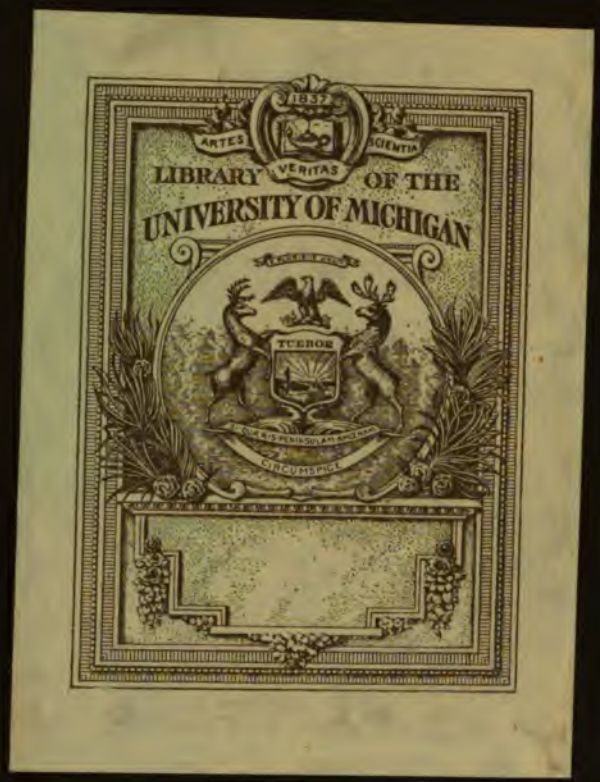

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dedimus & tenendum. sua libe & plenarie pacifice & honorifice. super
per totum regnum nrm, de Tholoneis, Pontagiis, Passagiis, cumagiis
aliis prestandis. Nolo tristitia nra que diu valeat diminuere,
meam tenu eis ad annuas nras reddenda & alia quecunq; onera suppor

CHARTERS, WRITS,

AND

PUBLIC DOCUMENTS

OF

THE ROYAL BURGH OF DUNDEE,

The Hospital and Johnston's Bequest:

1292—1880,

WITH INVENTORY OF THE TOWN'S WRITS ANNEXED.

PRINTED BY ORDER OF THE PROVOST, MAGISTRATES, & TOWN COUNCIL.

DUNDEE:
1880.

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DUNDEE :
PRINTED BY D. R. CLARK AND SON,
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PREFACE.

FOR many years the Records, Writs, and Documents of the Town have lain in a state of confusion, and the contents of important papers been unknown to the members of Council, and even to their officials. The late Mr. CHRISTOPHER KERR, while in discharge of the duties of Town Clerk, feeling deeply this inconvenience, employed Mr. JOHN DAVIDSON not only to endeavour to put the papers into a sort of order, but to decipher and transcribe some of the ancient Records and Acts of Council. Mr. DAVIDSON made considerable progress in this direction, and after his death the Council engaged Mr. JOHN M'LEAN BEATTS to continue the assortment, which he did with great care and discrimination. When the New Record Rooms were fitted up sometime afterwards, and the papers to be transferred thereto, the work of assortment was continued by Mr. J. C. JAMESON, my Assistant, and this, along with the Inventories made by Mr. BEATTS, has enabled me to make up the annexed completed Inventory of the Writs and Charters of the Town now presented to the Council (see Appendix). I have added some Notes at certain Writs of particular interest in the Inventory, which may be useful for reference. The Records of the Burgh have also been arranged in the Rooms, and both Records and Writs are now in a satisfactory state of arrangement.

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Besides the Inventory, the Council very properly desired to have some knowledge of the Charters and Writs of the Burgh, and resolved that a selection of these Writs of importance, and of the Acts of the Council of a public nature should be printed for general information.

In early and troublous times, and amid continued national controversies, Dundee, being an important centre of conflict, suffered severely. A history of Dundee, therefore, cannot be of local interest merely, but would, to a considerable extent, be a history of Scotland in its most trying and critical times. The many conflicts in and around Dundee, and the hostile occupation to which the Town had frequently been subjected, have no doubt been the cause of many of our ancient Writs and Charters being abstracted or destroyed. The Records prior to the year 1520 have been altogether lost to us, but from that year onwards the Records of the Burgh are in a good state of preservation. Notwithstanding these misfortunes, there are still extant many of our original Charters and Documents of historical interest and importance. The rights and privileges of Dundee as a Royal Burgh extend back long prior to any Charter now left to us. The right of ROBERT THE BRUCE to the throne was in 1309 acknowledged by a National Council of the Clergy held in Dundee, and BRUCE himself was afterwards frequently in the Town, and seemed desirous to restore to the Burgh these ancient rights and privileges. This is evidenced by his Commission of Enquiry, on the report of which his Charter of Confirmation in 1327 mainly proceeds, and which probably is about the earliest Charter of any Royal Burgh now extant. Enough however remains to indicate and shew not only the extent of the ancient rights, privileges, and possessions of the Town, and the part

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taken by the community for centuries in the conduct of our national affairs, but also the heavy penalties paid for their public spirit, loyalty, and patriotism. I have here, therefore, at the request of the Council, selected and printed several of the more important of our Charters and Documents calculated to throw light on the ancient rights and privileges of the Town, and have added a few explanatory observations on some of these, and also on several public questions which have come under my own notice while connected with the Council, with statistics of the Burgh as contrasted with former times. Some Excerpts of public interest from the Ancient Laws of the Royal Burghs of Scotland are also given, shewing the multifarious duties for which the Bailies of the Burghs in earlier times were held responsible, and the care taken for the protection of the Inhabitants, and at sametime indicating the habits and customs of the people in an early age.

On the occasion of the Queen's visit to Dundee, in 1844, Her Majesty addressed the Chief Magistrate as Lord Provost, and some discussion took place as to continuing the title. In the subsequent written communications by the Secretary in attendance it was not repeated. It will be seen, however, from the Excerpts that the title of Lord Provost has in bygone years been sometimes assumed by, and accredited to the Chief Magistrate of Dundee; and nearly two centuries ago it was admitted by the Convention of Royal Burghs, in general meeting assembled, where their minutes bear that JAMES FLETCHER, Lord Provost of Dundee, was elected Chairman of the Convention. Looking to the history of the Burgh, and its position among the Municipalities of Scotland, it appears to me that no community had a better right to the title.

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In translating the early Orders of the Kings of England, I have to acknowledge the assistance of Mr. ADAM WILSON, M.A., Classical Master in the High School, who kindly undertook their revision. In two or three other instances advantage has been taken of the translations of these Writs in our local Histories edited by Mr. M'LAREN and Mr. BEATTS, but the others have been for the first time translated with the assistance of persons well versant in such work.

By authority of the Council, Similes of a number of the original Charters and Writs have been given, along with the translations. These Similes (from photographs taken in Edinburgh) have been most successfully executed, and are of peculiar interest as bearing the signature of several of our Scottish Monarchs and celebrated public men. An impression, also, of the Ancient Seal of the Burgh, prior to the Reformation, is given, taken from the only old Burgh Charter containing the Seal extant in the Town's Repositories.

It is to be hoped that the publication of these Documents may be interesting and useful not only to the Magistrates and Council but to the Inhabitants generally, as affording some information concerning the Town of Dundee from an early period of its history.

WILLIAM HAY,
Town Clerk.

TOWN CLERK'S OFFICE,
DUNDEE, *June 1880.*

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Charters, Writs, & Public Documents

IN THE

REPOSITORIES OF THE TOWN OF DUNDEE.

No. 1. of Inventory. *Order by* EDWARD I. *of England, styling himself Lord-Superior of Scotland, declaring* JOHN BALIOL *the legitimate King of Scotland, and ordering the Castles of Dundee, Forfar, Jedburgh, and Roxburgh to be delivered to him, dated 18th November, 1292.*

EDWARDUS, Dei Gratia, Rex Anglie, Dominus Hibernie, Dux Aquitanie, et Superior Dominus Regni Scotie, dilecto et fideli suo BRIANO, filio ALANI, custodi castrorum de Forfar, Dunde, Gedeworth, et Rokesburgh, salutem. Cum JOANNES DE BALLIOLE, nuper in Parliamento nostro, apud Berwick super Twedam, venisset coram nobis et petivisset predictum Regnum Scotie sibi per nos adjudicari, et seisinam ipsius Regni sibi, ut proximiori heredi MARGARETE filie Regis Norwagie, Domine Scotie, et nepotis quondam ALEXANDRI ultimi Regis Scotie, jure successionis liberari; ac nos auditis et intellectis petitionibus et rationibus tam predicti JOANNIS DE BALLIOLE, quam aliorum petentium predictum regnum, et eisdem petitionibus et rationibus diligenter examinatis, invenerimus prefatum JOANNEM DE BALLIOLE esse propinquiorem heredem predicte MARGARETE quoad predictum regnum Scotie optinend. (sic). Propter quod idem regnum Scotie et seisinam ejusdem eidem JOANNI DE BALLIOLE salvo jure nostro et heredum nostrorum reddidimus. Vobis mandamus, quod seisinam predictorum castrorum de Forfar, Dunde, Gedeworth, et Rokesburgh, cum omnibus pertinentibus suis, una cum omnibus aliis rebus vobis per cyrografum traditis et secundum quod in predictorum castrorum vobis commissa custodia vos hujus modi recepistis sine dilatione pre-

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dicto JOANNI DE BALLIOLE vel attornatis suis has literas deferentibus deliberari faciatis. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Berwick super Twedam decimo octavo die Novembris anno regni nostro vicesimo (1292).

Ex Rotulis Scotiæ.

TRANSLATION OF FOREGOING ORDER OF EDWARD I.

EDWARD, by the Grace of God, King of England, Lord of Ireland, Duke of Aquitaine, and Lord-Superior of the Kingdom of Scotland, to his beloved and trusty BRIAN, son of ALAN, Governor of the Castles of Forfar, Dundee, Gedworth (Jedburgh), and Roxburgh, greeting. Whereas JOHN DE BALIOL, lately in our Parliament held at Berwick-on Tweed, came before us and petitioned that we should assign him the foresaid Kingdom of Scotland, and have possession of the Kingdom itself delivered up to him by the legal right of succession, as being nearest heir of MARGARET, daughter of the King of Norway, Princess of Scotland, and deceased grand-daughter of ALEXANDER, last King of Scotland; and having heard and considered the petition and the reasons urged in behalf of the said JOHN DE BALIOL, as well as those of other candidates for the said Kingdom, and having carefully examined the same petitions and reasons, we have found that the said JOHN DE BALIOL is the nearest heir of the said MARGARET as regards the possession of the said Kingdom of Scotland. We have therefore delivered the same Kingdom of Scotland, and possession of the same, to the said JOHN DE BALIOL, but reserving our own rights and those of our successors; and we command you to cause the possession of the said Castles of Forfar, Dundee, Gedworth, and Roxburgh, with all their pertinents, together with everything else handed over to you, per inventory, and in the same condition as when you received the said Castles into your custody, to be handed over without delay to the said JOHN DE BALIOL,

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or to his Attorneys bringing these letters. In testimony whereof we have caused to be issued these our letters patent. Witness my hand, at Berwick-on-Tweed the eighteenth day of November, in the year of our reign the twentieth (1292).

No. 8. of Inventory. *Order by* EDWARD II. *to the Governor and Inhabitants of Dundee to hold out the Castle and Town against the Scots till he should send relief, dated 15th December, 1309.*

EDWARDUS, Dei Gratia, Rex Anglie, Dominus Hibernie, et Dux Aquitanie, dilectis et fidelibus suis, custodi et probis hominibus ville sue de Dunde in Scotia, salutem. Mandamus vobis quod vos villam nostram predictam contra aggressus inimicorum et rebellium nostrorum in partibus illis, per treugam (sic) seu sufferentiam nec non et aliis viis et modis quibus pro honore nostro et salvatione ville predicte ad opus nostrum, melius expedire videritis usque ad festum Pentecost proximo futurum custodiatis. In eodem autem festo ad ultimum de statu vestro taliter ordinabimus, Deo dante quod dictos inimicos et rebelles nostros vos non oportebit ulterius formidare, et in isto negotio vos taliter habeatis quod fidelitatis vestre constantiam debeamus inde merito commendare. Teste me ipso apud Westmonasterium decimo quinto die Decembris anno regni nostri tertio.

Ex Rotulis Scotiæ.

TRANSLATION OF FOREGOING ORDER.

EDWARD, by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to his beloved and trusty subjects, the Governor and honourable men of his town of Dundee in Scotland, greeting. We command you that you defend our said town against the attacks of our enemies and rebels in those parts up to the feast of Pentecost next (Whitsunday) through all extremity and hardship if need be, and also by other ways and means which you will see to be

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more advantageous, in defence of our honour, and to secure the safety of the said town for our service. We shall so appoint, therefore, regarding your state up to the last day of the said feast, God granting that you will not be required to have any further dread of our said enemies and rebels, and in that matter you may so act as to require thereby our high commendation for the constancy of your fidelity. Witness my hand, at Westminster the fifteenth December, in the third year of our reign.

No. 6. of Inventory. *Order by King* EDWARD II. *of England to* WILLIAM MONT FYCHET, *Governor of the Castle of Dundee, to break the Convention with the Scots for the surrender of the Town of Dundee, dated 2nd March, 1311–2.*

EDWARDUS, Dei Gratia, Rex Anglie, Dominus Hibernie, et Dux Aquitanie, dilecto et fideli suo WILLIELMO DE MONTE FYCHET, salutem. Mandamus vobis, sub forisfactura vite et membrorum et omnium aliorum, que nobis forisfacere poteritis firmiter injungentes quod villam nostram de Dunde, quam vobis commisimus custodiendam, pretextu alicujus conventionis inter vos et Scotos, inimicos nostros, dictam villam nuper obsidentes minus providete aut aliquorum prisonum de hominibus nostris, quos prefatis inimicis, contra intentionem et voluntatem nostram, sub quibuscunque conditionibus liberastis eisdem inimicis nullatenus liberetis; sed eam salvo et secure ad opus nostrum custodiatis, scire facientes illis quibus dictos prisones nostros liberastis et illis qui eosdem prisones in custodia sua habent eosdem prisones salvo faciant custodiri nec eos morti tradant quovis modo et quod si ipsos prisones interficiant nos WALTERUM DE MURREF et omnes alios prisones de Scotia, ubicunque in custodia nostra existentes, sine dubitatione et dilatione aliqua interficere faciemus. Teste me ipso apud Eboracum secundo die Martii anno regni nostri quinto.

Ex Rotulis Scotiæ.

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TRANSLATION OF THE FOREGOING ORDER.

EDWARD, by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to his beloved and faithful WILLIAM DE MONTFITCHET, greeting. We order you, on pain of death and dismemberment, and all other forfeitures which you might incur at our hands, that you do not surrender our town of Dundee—the custody of which we entrusted to you—on the pretext of any convention between you and the Scots, our enemies, lately besieging the said town,—nor by any means also give up to our enemies any of our prisoners (some of whom, contrary to our express will and order, you delivered to the foresaid enemies) under any conditions whatever, but that you keep the town in safety and security for our service, making it known to those to whom you have committed our said prisoners, and to those who have the same prisoners in their keeping, that they cause them to be kept in safety, and not hand them over to death in any manner whatever; and that we shall give power to WALTER DE MURREF to execute, without any hesitation and delay, all those who are properly condemned to death, and all other prisoners in Scotland, wherever they are to be found in our keeping. Signed by me, at York the second day of March, in the fifth year of our reign.

No. 9. of Inventory. *Letter by King* EDWARD II. *of England to the Mayor, Bailies, and Community of Dundee, and to the persons employed in the defence of the Town, respecting defending it, dated 21st March, 1311–2.*

EDWARDUS, Dei Gratia, Rex Anglie, Dominus Hibernie, et Dux Aquitanie, dilectis et fidelibus suis, majori, ballivis et toti communitati ville sue de Dunde, salutem. De immensis laboribus et expensis ac probata fidelitatis vestre constantia quos circa salvam et securam custodiam dicte ville ad opus nostrum et heredum nostrorum hactenus exhibuistis grates vobis referimus speciales mandantes et

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rogantes quatinus JOANNI PORLOT quem ad vos specialiter mittimus in his que vobis exponet ex parte nostra super statu ville predicte, fidem credulam adhibentes circa ea que securam custodiam ejusdem ville ad opus nostrum et heredum nostrorum tangere poterunt quovismodo velitis juxta assuete fidelitatis vestre constantiam congruum auxilium apponere et juvamen. Ita quod vos exinde debeamus merito commendare. Teste me ipso apud Eboracum vicesimo primo die Martii anno regni nostri quinto.

Consimiles litere diriguntur hominibus EDMUNDI DE HASTINGGES et JOANNIS DE LA MOILLE et omnibus aliis commorantibus in munitione ville Regis de Dunde quod Magistro JOANNI DE WESTON "que" etc., "in his" etc., "fidem credulam" etc., ut supra.

Ex Rotulis Scotiæ.

TRANSLATION OF THE FOREGOING LETTER.

EDWARD, by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to his beloved and faithful, the Provost, Bailies, and whole community of the town of Dundee, greeting. For the great labour, expense, and the proved constancy of your fidelity which you have hitherto shown concerning the safety and defence of the said town for our service and that of our successors, we render you our special thanks, commanding and requesting JOHN PARLOT, whom we send to you specially with regard to these matters, which he will on our behalf explain, regarding the present position of said town, and placing a confiding trust regarding those things which shall be sufficient to effect the secure keeping of the said town for us and our successors, in whatever manner you may wish, and to add suitable help and assistance to the constancy of your tried loyalty. And to that end may we be required to commend you highly for your conduct. Witness my hand, at York the twenty-first March, in the fifth year of our reign.

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Similar letters are sent to EDMUND OF HASTINGS and JOHN DE LA MOILLE, and all others connected with the defence of the town of Dundee.

No. 10. of Inventory. *Commission by King* EDWARD II. *of England to* WILLIAM DE MOUNTFITCHET *and* DAVID DE BREGHIN *as Governors of the Town of Dundee, dated 21st March, 1311-2.*

EDWARDUS, Dei Gratia, Rex Anglie, Dominus Hibernie, et Dux Aquitanie, omnibus ad quos presentes litere pervenerint, salutem. De fidelitatis constantia et circumspectionis industria dilecti et fidelis nostri WILLIELMI DE MOUNTFITCHET plenius confidentes commisimus ei custodiam ville nostre de Dunde habendam quamdiu nobis placuerit. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Eboracum vicesimo primo die Martii anno regni nostri quinto.

Et mandatum est militibus, majori, ballivis, probis hominibus et omnibus aliis de villa de Dunde ac in eadem villa pro munitione ejusdem existentibus quod prefato WILLIELMO in omnibus que ad salvam et securam custodiam ville nostre predicte ad opus nostrum poterunt pertinere sint intendentes consulentes et auxiliantes quotiens per ipsum WILLIELMUM ex parte nostra super hoc fueritis,(sic) requisiti seu etiam premuniti. Et hoc sicut Regem et honorem Regis et suum ac commodum diligunt cum omni diligentia faciant. Teste ut supra.

Consimilis Commissio de verbo ad verbum et sub eadem data fit DAVID DE BREGHIN custodi ville predicte.

Ex Rotulis Scotiæ.

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TRANSLATION OF THE FOREGOING COMMISSION.

EDWARD, by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all to whom these present letters may come, greeting. For the unswerving loyalty and assiduous foresight of our beloved and faithful WILLIAM DE MONTFITCHET, we have with full confidence committed to him the custody of our town of Dundee during our pleasure. In testimony whereof we have issued these our letters patent. Witness my hand, at York on the twenty-first March, in the fifth year of our reign.

And we have commanded the Military, the Provost, Bailies, honourable Men, and all other Inhabitants of Dundee, and all at present therein for the guarding thereof, to give to the said WILLIAM in all things that may be requisite for the safe and secure keeping of the said town for our service, their exertions, advice, and aid as often as they may be required or even adduced in defence by WILLIAM himself on our behalf; and that they do this with all diligence, as they love the King, the King's honour and their own, and the weal of the State. Witness as above.

A similar Commission, word for word, and of the same date, is sent to DONALD DE BRECHIN, Governor of the said town.

No. 14. of Inventory.

Commission by King ROBERT THE BRUCE *to the Abbot of Aberbrothock, and others, to enquire into and report on the ancient Burghal Rights of Dundee, in respect of the Records having been abstracted by the English when in possession of the Town, dated 22nd June, 1325.*

ROBTUS, dei gra~, Rex Scottoꝝ, Oīnibꝫ probis hominibꝫ suis ad quos p̄sentes ire pueñint, saltm. Sciatis q, constituimus BERNARDUM, dei gra~, Abbotem de Abirbrothoc~ Cancellariū nr̄m, et ALEX̄M FRAS Camariū nr̄m, Dilcos ⁊ fideles ñros locum nr̄m tenentes

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ad recognoscendū Lib̄tates quas Burgenses de Dunde tenuerunt seu possiderunt tēpe bene memorie đni ALEX̄I, Reg˜ Scoc˜, p̄decessoris ñri ult̄io defuncti, et alio4 Regii Scocie p̄decesso4 ñro4 et ad Retornandū nob̄ ⁊ consilio ñro ea que p ip̄os in p̄missis recognita fūint ⁊ inuentu. Q're vob̄ mandamus et p̄cipim9 quatin9 đcis Cancellario et Camario ñris tanq̄ locū nr̄m in p̄missis tenentib3 intendentes Sitis et Respondentes. Teste meipo apud Abirbrothoc XXIJ° die Junii, Anno regni ñri vicesimo.—(1325.)—

TRANSLATION OF THE FOREGOING COMMISSION.

ROBERT, by the Grace of God, King of Scots, to all honorable men to whom these present letters may come, greeting. Know that we have constituted BERNARD, by the Grace of God, Abbot of Aberbrothoc, our Chancellor, and ALEXANDER FRASER our Chamberlain, our trusty and faithful subjects, in our stead to investigate as to the liberties which the burgesses of Dundee had or possessed in the time of ALEXANDER, King of Scotland, of blessed memory, of our predecessor the last deceased, and of others Kings of Scotland, our predecessors, and to report to us and our Council as to these particulars which they learn and find out in the premises. Wherefore we command and charge you to make answer to our said Chancellor and Chamberlain as holding our place in the premises. Witness our hand, at Aberbrothoc, the twenty-second day of June, and twentieth year of our reign.

No. 16. of Inventory. *Translation of the Charter by King* ROBERT THE BRUCE *confirming the ancient rights and liberties of the Burgh, following on the report of the Commission of Enquiry, and granting new privileges, dated 14th March, 1327.* (Simile of this Charter is given.)

ROBERT, by the grace of God, King of Scots, to all good men of his whole territory, greeting. Know ye that we have granted, and by this our charter have confirmed to the burgesses of our burgh

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of Dundee, their heirs, assignees, and successors for ever, all liberties and rights which, in the time of our sovereign lord, WILLIAM, King of Scots, they held and possessed before the said King WILLIAM had conferred the said burgh on his brother DAVID: Moreover, we have granted and confirmed to the same all the liberties and customs, free harbour, market, and fairs, which they enjoyed in the time of our lately deceased sovereign lord, ALEXANDER, King of Scots, of happy memory; as by our special mandate, in presence of our chancellor and chamberlain, was lately certified by trusty and faithful men of the kingdom and neighbouring burghs at Dundee. We likewise grant and bestow, and by these presents ratify, for ourselves and heirs for ever, that our burgesses in the said burgh shall enjoy, exercise, possess, and hold their privileges as freely and fully, peaceably and honourably, as our burgesses of Berwick have, hold, and exercise theirs—the privileges of other Burghs being held inviolate, and that they may be free and exempt over our kingdom from tolls, pontages, ferries, pier-dues, pannage, kane, and petty customs on articles of sale, in buying or selling, and from all customs on their goods, our new custom only excepted. We will also, and grant that all frequenting said burgh may trade in the market with our said burgesses, to the helping of our revenues towards the public burdens, whoever they be, reserving to them whatever royal privileges may have been granted to them. We grant also and confirm to the same their merchant's guild, as freely as ever our burgesses of Berwick have and enjoy theirs; and that those frequenting the markets of the said burgh, and the fairs thereof, may hereafter enjoy our peace and protection in coming, remaining, and departing, we strictly prohibit any one from molesting or interfering with them under pain of our high displeasure. We likewise prohibit any one within the sheriffdom of Forfar from buying up wool or skins except burgesses of Dundee; and that no foreign merchant coming within the said sheriffdom and burgh shall trade with any but the burgesses of said burgh under our high displeasure, but reserving the rights of the other burghs within

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said sheriffdom: And if any merchant is found buying wool or skins otherwise within said sheriffdom or burgh, his person may be seized and detained by our burgesses of Dundee until our pleasure is known concerning him, and his goods taken to said burgh, and held as forfeited to the said burgesses. Moreover, we forbid foreign merchants disposing of goods brought by land or sea until they shall have first landed and exposed them in the said burgh for sale, under pain of imprisonment and forfeiture of the goods to the burgesses; and no foreign merchant shall buy or sell any merchandise which ought to be measured or weighed but by the steelyard or measure at the Tron, under forfeiture of the commodities, to be applied to the uses of the said burgesses. We will also, and grant that no foreign merchant be permitted to sell any goods within said burgh otherwise than wholesale, and that within prescribed seasons, as was the custom in the time of our late predecessor, ALEXANDER King of Scots: And declaring that no one within our kingdom, within burgh or without, being burgesses of the said burgh of Dundee, shall be sued or put in restraint for any debt, pledge, or forfeit, unless he were the chief debtor or pledger. We have granted, and by this our charter confirmed the privileges aforesaid to the said burgesses, their heirs, assigns, and successors, for ourselves and our heirs, with our sure peace and protection, henceforth prohibiting any one from unjustly infringing, opposing, or evading the enjoyment of them by the said burgesses, under the full penalty of ten pounds. In witness whereof we have caused our seal to be affixed to this charter, in presence of WILLIAM, JOHN, JOHN, and ROGER, by the grace of God, bishops of St. Andrews, Glasgow, Moray, and Ross; BERNARD, Abbot of Aberbrothock, our Chancellor; HUGH, Earl of Ross; JAMES, Lord Douglas; Sir ROBERT LAUDER, and Sir WILLIAM MONTFICHET, at Edinburgh the 4th day of March, in the twenty-second year of our reign. (1327.)

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No. 17. of Inventory. *Simile given of Charter by King* DAVID II. *to the Burgesses of Dundee, confirming all their former Burghal Rights and Privileges, and extending and conferring on them Special Rights, and also Jurisdictions independent of the Sheriff of Forfar, dated 20th January, 1359–60.*

[This Charter is narrated in, and repeated and confirmed by the subsequent Charter by King JAMES VI., and also in a Charter by CHARLES I., and hereinafter printed, along with a full English Translation thereof.]

No. 1. of Inventory (Hospital). *Charter by King* ROBERT II., *to* PATRICK DE INVERPEFIR, *of a third part of the Lands of Craigie, dated 31st May, 1378.* (Simile is given.)

ROBERT, by the grace of God, King of Scotts, to all honest men of his whole land, cleric and laic, greeting. Know us to have given, granted, and by this our present charter to have confirmed, to our beloved and faithful PATRIC OF INNERPEFIR that whole third part of the land of Cragy, with the fishings and others, their pertinents, in the barony of Dunde, within the shire of Forfare, which is called le Binys, part which belonged to VALTER OF BALMOSSY, of which part of land the superiority or superior lordship ALEXANDER SKYRMECHOUR, Constable of Dunde, our cousin, by his letters patent again rendered and purely and simply resigned, and by said superiority or superior lordship being transferred to us as premitted, the said VALTER, not led by force or fear, or fallen by error, but of his plain and voluntary will his said third part of land with the fishings and others their pertinents to us by staff and baton again rendered and purely and simply resigned, and the whole right and claim which in said part of land with the fishings and others their pertinents he has or can have for himself and his heirs wholly he quietly claims for ever to be held and had by the said PATRIC, his heirs and their assignees, of us and our heirs, in fee and heritage, by all their bounds, marches, and divisions, with all and singular liberties, commodities, easments, and their just pertinents whatsoever to the said third part of land with the fishings

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Translation of C

DAVID, by the Grace of God, King of Scots, to all good m wise of our Kingdom, our advantage being considered, to have gr community of the burgh of Dundee, our said burgh of Dundee, with th s, and their successors for ever, of us and our heirs, in feu and heritage, stoms, tolls, courts, weights, measures, and with free port, market place, nts whatsoever, as well not named as named, belonging to the said bur burgesses of Berwick upon Tweed, Edinburgh, or Aberdeen have, hold, o ir heirs and assignees, and their successors, twenty pounds of Sterling o ual portions, for all other service, exaction, custom or demand: we will, n s of our said burgh the privilege of the market, may share with them, an her burdens with our said burgesses: Furthermore, we will and grant th e, excepting those who are infefted by charter by us or our predecessors nswerable to any one for payment of the said twenty pounds, but only to s, their heirs and assignees, and their successors, freely, and without hind ansions and edifices, to dig fuel, and to exercise, perform, and ordain all other places whatsoever, belonging, within or without, to the said burgh, ant that our said burgesses, their heirs and assignees, and their successor o take them away, without hindrance of any one, as they were allowed t Constable, or any other minister of our kingdom, of whatsoever condition resent grant and infeftment, or concern themselves with the defects of th uch life and members; in such sort, however, that whoever shall be lega e, in proper person, or in goods; so that no one shall be punished or tro l infeftments to endure firmly in their force and for ever. In witness wh he venerable fathers in Christ, WILLIAM and JOHN, Bishops of St. Andrew cotland, Earl of Stratherne, our grandson, WILLIAM, Earl of Douglas, R BYGER, our Chamberlain of Scotland, and others, at Perth the twentieth

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Nº 17 —

rity of Dundee,

[illegible] oblacione proboz [illegible] mperia mea Valeatur. [illegible]
[illegible] burgum [illegible] de Dundee cum [illegible] .. Tenend et [illegible]
[illegible] in feodo et hereditate in libo burgagio [illegible] omes [illegible] meas

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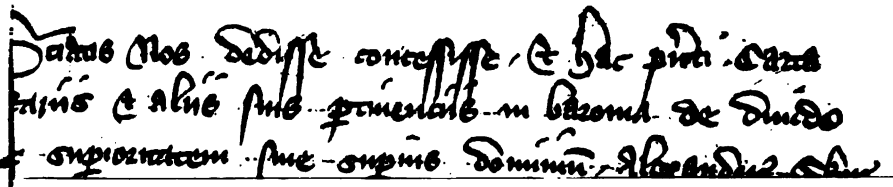

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and others their pertinents belonging, or in whatever manner are justly held to belong, in future as freely and quietly, fully, wholly, and honorably in all and by all as VALTER himself the said third part of land with the fishings and others their pertinents of us before his resignation to us thence made as freely, quietly, fully, wholly and honorably, justly held or possessed, by making thence the service used and wont. We grant, moreover, to the said PATRIC our free and special licence to mortify said third part of land, or to deliver itself to mortification to whatsoever place or whatsoever places, person or persons, as to the said PATRIC may appear to be most expedient, agreeing, and for us and our heirs freely granting that said third part land to be afterwards mortified or delivered to mortification for ever in future time may remain as mortified land, free and exempt from all exaction and secular service: In testimony whereof to this our present charter we order our seal to be put. Witnesses—the venerable father in Christ, WILLIAM, Bishop of St. Andrews; JOHN, our first-born of CARRICK, Steward of Scotland; ROBERT OF FYFF and MENTETH; our beloved son, WILLIAM OF DOUGLASS, and MARR, our cousin—Earls; the venerable man, Master JOHN OF PEBLYS, Archdeacon of St. Andrews, our chancellor; JAMES OF LYNDESAY, our dearest nephew, and ALEXANDER OF LYNDESAY, our cousin—Knights, at Perth the last day of the month of May, in the eighth year of our reign.

No. 2. of Inventory (Hospital).

Charter by King ROBERT III. *of a Third part of the Lands of Milton of Craigie and of the West Field of Dundee, to the Chaplainry of St. Salvator in the Parish Church of Dundee, dated 7th March, 1391, following upon a Mortification of these Lands by* PATRICK OF INVERPEFIR, *as authorized by the foregoing Charter by* ROBERT II.

ROBERTUS, Dei gracia, Rex Scottorum, Omnibus probis hominibus tocius terre sue clericis et laicis, Salutem. Sciatis nos pro salute anime quondam fidelis nostri PATRICII DE INVERPEFIR, burgensis de

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Donde, dedisse concessisse et hac presenti carta nostra confirmasse Deo et altari Sancti Salvatoris de novo fundato in ecclesia parochiali de Donde et Capellane pro eodem ad dictum altare perpetuo celebraturo terciam partem terrarum de le Milton de Craggy, cum pertinenciis. Et terciam partem terrarum de le Westfielde de Donde, cum pertinenciis, in baronia de Donde infra vicecomitatum de Forfar. Que terre predicte, cum pertinenciis, fuerunt consanguinei nostri JACOBI SKIRMECHOUR, militis Constabularii de Donde, et quas idem JACOBUS non vi aut metu ductus nec errore lapsus sed sua mera et spontanea voluntate per fustum et baculum nobis sursum reddidit pureque et simpliciter resignavit ac totum jus et clameum que in dictis terris, cum pertinenciis, habuerunt vel habere potuerunt pro se et heredibus suis omnino quietum clamaverunt in perpetuum. Tenendas et habendas eidem altari et capellano ad illud pro ipsius PATRICII anima celebranti et celebraturo predictas terras cum pertinenciis de nobis et heredibus nostris Regibus Scocie in feodo et hereditate per omnes rectas metas et divisas suas in puram et perpetuam elemosinam et eciam ad manum mortuam, cum omnibus et singulis libertatibus, commoditatibus, aysiamentis, et justis pertinenciis quibuscumque ad dictas terras cum pertinenciis spectantibus seu quoquo modo juste spectare valentibus in futurum, adeo libere et quiete plenarie integre et honorifice bene et in pace in omnibus et per omnia sicut dictus JACOBUS easdem terras cum pertinenciis de nobis tenuit ante resignacionem hujusmodi nobis factam. Faciendo inde dictus capellanus ad dictum altare celebrans vel celebraturus tantummodo missas et divina officia pro dicto PATRICIO pro omni alio servicio seculari, concessimusque PATRICIO DE INVERPEFIR nepoti dicti quondam PATRICII et heredibus suis legitimis de corpore suo procreatis vel procreandis et illis forsan deficientibus Aldirmanno burgi nostri de Donde qui pro tempore fuerit et duodecim probis viris de suo consilio annuatim electis vel eligendis jus patronatus altaris antedicti. In cujus rei testimonium presenti carte nostre nostrum precepimus apponi sigillum. Testibus, venerabilibus in Christo patribus, WALTERO et MATHEO,

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Sancti Andree et Glasguensis ecclesiarum episcopis; ROBERTO de Fif et de Meneteth, fratre nostro carissimo; ARCHEBALDO DE DOUGLAS, domino Galwidie, consanguineo nostro; Comitibus JACOBO DE DOUGLAS, domino de Dalketh, THOMA DE ERSKYNE, consanguineis nostris dilectis militibus, et ALEXANDRO DE COCBURN de Langton, custode magni sigilli nostri. Apud Sconam, tempore parlementi nostri ibidem tenti, septimo die Marcii, anno regni nostri Primo.

Ex Registro Magni Sigilli.

TRANSLATION OF THE FOREGOING CHARTER.

ROBERT, by the Grace of God, King of the Scots, to all honest men of his whole land, clerical and lay, greeting. Know that we, for the safety of the soul of our late faithful PATRICK OF INVERPEFIR, Burgess of Dundee, have given, delivered up, and by this our present Charter confirmed, to God and the Altar of St. Salvador of late founded in the Parish Church of Dundee and Chaplainry for maintaining service on behalf of the same at said Altar, a third part of the lands of the Milton of Craigie, with the pertinents thereof, and also the third part of the lands of Westfield of Dundee, with the pertinents thereof, in the Barony of Dundee, and within the County of Forfar, which said lands with the pertinents belonged to our relative JAMES SCRYMGEOUR, Knight, Constable of Dundee, and which the said JAMES, not led by force or fear, nor by mistake, but of his own free will to us again by staff and baton purely and simply resigned, and the whole right and interest which were vested or could be vested in the said lands and pertinents for himself and heirs was wholly renounced for ever. And that said lands be holden and kept for the said Altar and Chaplainry for maintaining at it now and hereafter service for the soul of the said PATRICK, with the pertinents, from us and our heirs, kings of Scotland, in fee and heritage, by all their bounds, marches, and divisions, for pure and perpetual charity, and also for mortification, with all and single liberties, com-

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modities, easements, and just pertinents whatsoever belonging to said lands, or in whatever way they may justly be held to belong in the future, as freely, quietly, fully, wholly, honorably, well, and peacefully, in all respects, as the said JAMES held the same lands and pertinents from us previous to such a resignation of the said lands as he made to us, to the effect therefore, that the said Chaplainry celebrate at the said Altar masses and religious ceremonies for the said PATRICK, and that in full for all other secular service; and we have given to PATRICK OF INVERPEFIR, nephew of the said late PATRICK, and the lawful heirs of his body procreated or to be procreated, and whom failing, to the Provost of our Burgh of Dundee, whoever he may be, for the time being, and twelve honest men of his Council, annually elected or to be elected, the right of Patronage of the said Altar. In witness whereof, we have appointed this our present Charter to be passed under our Seal before these witnesses, the Venerable Fathers in Christ, WALTER and MATTHEW, Bishops of St. Andrews and Glasgow; ROBERT of Fife and Menteith, our very dear brother, ARCHIBALD OF DOUGLAS, Lord Galway, our relative, Earls; JAMES DOUGLAS, Lord of Dalkeith, THOMAS ERSKINE, our kinsmen and beloved knights, and ALEXANDER COCKBURN, of Langton, Keeper of our Great Seal, at Scone, at the sitting of our Parliament held on the seventh day of March, in the first year of our reign. (1391.)

No. 8. of Inventory (Hospital).

Charter by King ROBERT III. *confirming the grant of Sir* JAMES LINDSAY *of his Tenement in Dundee for an Hospital, (date awanting), about 1391 or 1392.*

ROBERTUS, Dei gratia, Rex Scottorum, omnibus probis hominibus tocius terre, sue clericis et laicis, salutem. Sciatis nos approbasse ratificasse, et hac presenti carta nostra confirmasse, donacionem et concessionem illas quas dilectus consanguineus noster JACOBUS DE LYNDESAY miles fecit ac concessit de tenemento suo jacente infra burgum nostrum de Dunde in hospitale et domum Dei fratribus

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ordinis sancte Trinitatis in liberam puram et perpetuam elemosinam pro salute anime sue et animarum omnium antecessorum et successorum suorum ac universorum Christianorum. Tenendum et habendum dictum tenementum dictis fratribus in liberam puram et perpetuam elemosinam ut supra ad sustentacionem dictorum fratrum et infirmorum senuum et egrotancium ibidem de ordinatione dicti consanguinei nostri et suorum successorum permanencium adeo libere et quiete plenarie integre et honorifice bene et in pace in omnibus et per omnia sicut in carta dicti consanguinei nostri inde confecta plenius continetur. Et nos in honore Dei omnipotentis et Sancte Trinitatis in augmentacionem amplioris elemosine pro salute anime nostre et ANABILLE, sponse nostre, Regine Scocie, et liberorum nostrorum ac omnium antecessorum et successorum nostrorum Regum Scocie damus et per presentes concedimus dicto hospitali et domui Dei ecclesiam de Ketnes antiquitatus annexam domui Dei de Berwyk sub hac condicione pro perpetuo videlicet cum burgum et castrum de Berwik ad fidem et pacem nostram et heredum nostrorum permanserint ita quod domus Dei ejusdem burgi fuerit munita cum fratribus more debito et consueto pacifice divina celebrantibus quod dicta ecclesia cum fructibus suis universis libere sit annexa dicte domui Dei de Berwik secundum infeodacionem antiquitus inde facta. Et eum dictum burgum et castrum de Berwyk in manibus adversariorum Anglie a fide et pace nostra et nostrorum heredum permanserint volumus et concedimus ut supra quod ecclesia de Ketnes predicta cum omnibus fructibus suis et proventibus dicto hospitali de Dunde et domui Dei libere pro perpetuo sit annexa. In cujus rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum. Testibus venerabilibus in Christo patribus MATHEO et GILBERTO, Glasguensis et Abirdonensis ecclesiarum Episcopis, ROBERTO de Fif et de Menetetht, fratre. . . . . .

(Reliqua desunt.)

(Ex Registro Magni Sigilli ROBERTI *Tertii, Regis Scotorum, Rot. X., c. 21.)*

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[The substance of the foregoing Charter is, that ROBERT, while confirming the Grant by Sir JAMES DE LINDSAY to the Holy Trinity of his tenement in Nethergate in the Burgh of Dundee to be an Hospital and *Maison Dieu* for them, gave, it will be seen, a farther endowment to the Hospital of the Church of Kettins and its fruits and revenues (but reserved the prior right thereto granted to the Hospital of Berwick, then in the hands of the English). Nothing more, however, seems to have been known of this grant of the property of the Teinds of the Church of Kettins. It is doubtful whether the Hospital ever enjoyed that Grant, and it is not enumerated among the Hospital Rentals commenced in 1581, which the Supreme Court in the recent litigations held as authentic.]

No. 22. of Inventory.

Award by ROBERT, *Duke of Albany, Earl of Fyf and Menteith, Regent and Chamberlain of Scotland, in the disputes between the Burgesses of Perth on the one part and of Dundee on the other part, regarding the freedom and right of the people of Dundee to load and unload ships in the River Tay and Haven of Dundee, which was disputed by the people of Perth, who alleged their exclusive right to the trade in the River, dated and sealed at the Friar Kirk of Edinburgh, 19th May, 1404.* (Simile of this Award is given.)

[The Duke, after narrating the circumstances and the pleadings before him and the Officers of State, disposes of the question by the Award.

He concludes thus—"We pronounce, determine, and decreete that the Burch and ye Burgeses of Dunde and yair successours have freedom to by ony schip or schipps yat com in the water of Taye on a venture yat lyke to loss at yair haven, nochtagainstandand ony privileges alleget before us in the contrary thruch the procurators of the burch of Perth. Quhairfore we put to silence to yem of Perth and to yair successours upon ye saide question for evermair."

Note.—Notwithstanding this Award, the Burgh of Perth, in the reign of JAMES VI. in 1600, procured a Charter from the King which recognised all the claims so long put forth by the Burgesses of Perth to the exclusive rights of shipping in the Tay. This obliged the people of Dundee to raise a reduction of the Grant, and on 31st December, 1602, a Decree was pronounced by the Court of Session fixing that the privileges of Perth to have free ports on he Tay was limited to that part of the River along the County of Perth, and a like privilege was awarded to Dundee on the River opposite Forfarshire, not only on the north side but also on the south side of the Tay—the limits being on the north from the Burn of Invergowrie on the west to the Gaw of Barrie on the east, and on the south side from the Abbey of Balmarino on the west to the Sands of Drumlaw on the east. These are the present limits of the Harbour of Dundee, and were so confirmed and declared in the Charter of CHARLES I. in 1642.]

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of the people of Dundee,

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s the First.

ve make known, that we, by our royal
, to our beloved and trusty Burgesses,
that is to say, of Edinburgh, Perth,
ccessors whomsoever skaithless of the
nce HENRY, King of England, for our
ommand, bound by writ at the terms
on, revocation, or impediment what-
lings of Scotland, firmly and without
d singular, the Provosts, Bailies, and
and successors, under their common
adhere to them in the payment of the
ay it in whole or in part, and to share
of the principal payment of the said
king of this obligation, as well those
seal to be appended to these presents,
our hundred and twenty-four, and of

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No. 26. of Inventory. *Bond of Relief by King* JAMES I. *to the Burghs of Edinburgh, Perth, Dundee, and Aberdeen of the Obligation they undertook on his behalf as his ransom to the King of England for 50,000 merks for his liberty, dated 26th March, 1424.* (Simile is given.)

No. 28. of Inventory. *Translation of Indenture between the Abbot of Lindores and the Town of Dundee, dated 10th March, 1442–3, regarding the Church of St. Mary.*

BE it known to all and sundry who shall see or hear this present Indenture, that when lately upon occasion of the reformation, sustentation, and reparation of the vestments, books, chalices, coverings of the Great Altar, and other ornaments in the choir of the Parish Church of St. Mary's of the Burgh of Dundee, in the diocese of Brechin, belonging to the Venerable Father in Christ, Lord JAMES DE ROSSY, Abbot of the Monastery of Lindores, in the diocese of St. Andrews and Convent of the same, which the rectors of the said Parish Church occupy, and the fruits of which belonging to the said rectors they receive, a frequent and earnest complaint many years depending was brought by those honourable men the Burgesses, Council, and Community of the said Burgh of Dundee, before the Reverend Father in Christ, Lord JOHN, by divine permission Bishop of Brechin, and his Officers and Ministers in the office of Visitors at the said Church, on account of which, not only the said fruits belonging to the foresaid religious rectors were often the subject of litigation, but also very great discord, contention, and altercations frequently arose between the foresaid religious rectors and the burgesses of the said Burgh, and, when afterwards treated of, diverse conferences and communications between the before-named religious persons and burgesses were often held, had, and continued, and endured for many years without any agreement. At length, mutually agreeing to a settlement of the foresaid complaint and discord between the before-written religious persons on the one part and the foresaid burgesses on the other part, they, by unanimous consent and mature and digested deliberation, have peaceably come to the agreements, treaty of union, and final conclusions which are set forth in the following

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form, vizt., that the burgesses, council, and community of the said burgh and parish of the said Parish Church assume and shall undertake the sole burden of constructing, sustaining, supporting, reforming, and repairing the Choir of the said Parish Church in its walls, windows, pillars, window-glass, wood-work, roof and covering, as well above as below; as also of the vestments, books, chalices, palls, and cloths of the Great Altar, and other ornaments whatsoever in any manner belonging to the Choir of the said Parish Church—of all and sundry which things, as well not expressed as expressed, they shall exoner, free, and exclude the foresaid Abbot and Convent, and their successors. And from henceforth they assume and take upon themselves such burden, and exoner, free, and exclude the said religious rectors, and their successors, in all things as aforesaid, wholly and entirely, for ever. But, and on the other part, and on account of all such assumption, construction, sustentation, support, reformation, and reparation of all and sundry as aforesaid in the stone walls, windows, pillars, window-glass, wood-work, roof and covering of the said Choir, as well above as below, within and without; as also in the vestments, books, chalices, palls of the Great Altar, and other ornaments, in whatever things they consist, belonging in any way to the Choir of the said Church, as well not expressed as expressed, in manner before specified, the before-named Abbot and Convent, rectors for themselves and their successors, have given, granted, and by this present writing under the form of indenture, in place and name of a solemn charter, confirm, the sum of five merks of annual rent out of the tenements and lands underwritten, lying within the Burgh of Dundee, belonging to the foresaid religious rectors, to be uplifted annually by the burgesses, council, and community foresaid, and their successors, vizt., from the tenement of THOMAS DE SPALDING and DAVID DE SPALDING, brothers german, twenty shillings, and from the tenement of WALTER DE ABERKERDER, twenty shillings,—which two tenements foresaid lie contiguous within the said burgh in the Market Street, on the south side of the same, between the tenement of THOMAS DE LEIS on the

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west side on the one part and the tenement of JAMES SKIRMGEOURE on the east side on the other part; as also from the tenement of ROBERT BANE, lying in the said burgh in the street which is called the Flukergate, on the south side of that street, between the tenement of the late JOHN MORTYMAR on the west side on the one part and the land of the late DAVID WILDE on the east side on the other part, twenty shillings; and from the field lands which belong to the burgh roods of NICHOLAS ELYE, son of the late THOMAS ELYE, six shillings and eightpence,—which lands are held in fee and heritage of the said religious persons, and lie on the south side of the street which is called Ergailisgate, and extend towards the south from the Cross, which is vulgarly called the Heding Cross, down to the sea, and have the lands of JAMES ELYE on the west part until at the middle, and then are the Chapel or Hospital Lands of Blessed John the Baptist, and on the west part lie the lands of the said NICHOLAS ELYE,—which lands were acquired by the late THOMAS ELYE from WALTER SPANYKE, and entered as at the middle of the said lands, and then lower are the lands of the said NICHOLAS ELYE. Which annual rents a noble gentleman, Sir JOHN SKIRMGEOURE, Knight, Constable of Dundee, having power and special mandate under the common Seal of the Chapter of the said Monastery, upgave, and purely and simply resigned, by way of perpetual Sasine, into the hands of an honourable man, WILLIAM STRATHAIKIN, at that time Provost of the said burgh, in name and on the part of the burgesses, council, and community of the same, and all groundright and claim which the foresaid Abbot and Convent had, have, or could claim to the said annual rents for themselves and their successors, for ever, by tradition of earth and stone, upon the soil or ground of the tenements and lands foresaid,—to be holden and to hold the said annual rents taken and levied annually from the grounds of the foresaid tenements and lands, and applied and committed for the use foresaid, and not to any other use, by the foresaid burgesses, council, and community of the said burgh, and their successors, in fee and heritage for ever, as freely, quietly, honourably, well, and in

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peace in all and for all points as the foresaid Abbot and Convent and their predecessors had held, levied, and possessed the foresaid annual rents before such resignation thereof, without any impediment or contradiction whatsoever. As also, that if the foresaid tenements, or any of them, shall by any accidental circumstance be destroyed, wasted, or demolished, and become so ruinous that they shall not be sufficient for paying and rendering the annual rents or annual rent due from them, or any of them, and shall become indistinguishable, then it shall be lawful for one of the burgesses of the said burgh, having power under the privy Seal of the said burgh, to that effect to institute a legal process at the head Courts of the said burgh by presentation of earth and stone of the soil or ground of the tenements or tenement which are deficient for payment of the annual rents or annual rent as before set forth, and to recover the said tenements or tenement by force of such process, and to appropriate, apply, convert, and unite them for the uses foresaid, as in the foresaid cases the said religious persons, if the said annual rents had remained in their hands, could have done before the said resignation was made by such process. And for faith, efficacy, evidence, and confirmation of the composition, treaty, agreement, and final conclusion thereof, and of all and sundry before written and recited, there is appended to the part of this indenture which remains with the said Abbot and Convent the common Seal of the Burgh of Dundee, together with the Seal of an honourable and potent Lord, DAVID, Earl of Crawford, and of a venerable man, RICHARD DE CRAIG, licensed by warrant of the Vicar of Dundee; and to the part thereof remaining with the said Burgesses, Council, and Community the common Seal of the Chapter of the Monastery of Lindores is appended, at Dundee the tenth day of the month of March, in the year of God one thousand four hundred and forty-two.

[This Indenture was confirmed by the Archbishop and Chapter of St. Andrews by Charter of date 3rd and 4th May, 1443 (No. 29 of Inventory), and there is given a simile of the testing clause of that Charter, with a lithograph of the Seal of the Archbishopric attached, which is in excellent preservation.]

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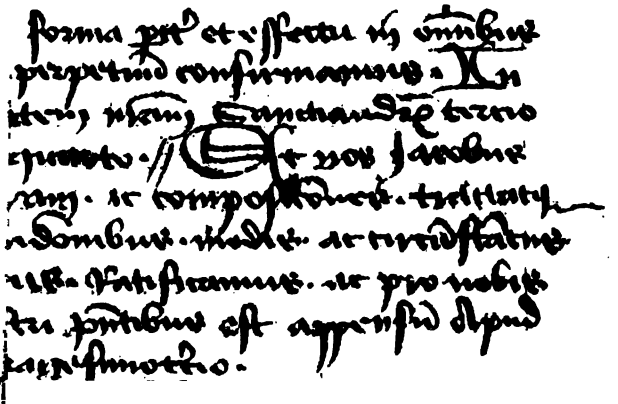
St Andrews of the Indenture

3rd & 4th May 1443.



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[There is a copy also of an ancient Indenture by the Burgesses and Council of the Burgh of Dundee to the Abbot and Convent of St. Mary's Church. The date is awanting, but obviously it has been entered into shortly after the date of the foregoing Indenture of 10th March, 1442. It was made for the purpose, as it bears, to define the obligations arising under the first Indenture, and to settle disputes which had arisen as to some of the obligations under it. It is as follows :—

KNOW all and sundry to whom this Indenture shall be read or seen, that for the reformation, sustaining, and repairing of the vestments, books, cups, palls of the Great Altar, and other ornaments in the Choir of the Parish Church of St. Mary of the Burgh of Dunde, in the diocese of Brechin, "certain funds were of old made over, but discord having arisen," it was agreed as follows, that the Burgesses, Council, and Community of the said Burgh and Parish Church, for the construction, sustentation, reformation, and repair of the Parish Church in walls, windows, columns, and whole wooden fabric, as well above as below, as well as for the vestments, books, cups, &c., of the said Parish Church, of whatever nature belonging, *take upon themselves the whole burden*,—of all which things, expressed as well as not expressed, the Abbot and Convent, and their successors, are exonered, freed, and excluded.

But, and on the other hand, for this burden the Abbot and Convent confirm an Indenture by which they were to pay five merks yearly of annual rent from certain lands in the Town of Dundee.]

THE ANCIENT NAME OF THE OVERGATE.

[*Note.*—It will be observed that, as regards one of the properties conveyed in the foregoing Indenture, it "lies on the southside of the Street which is called 'Ergailisgate,'" (now Overgate,) and the comparatively more modern translators name this Street as Argylesgate, probably assuming its origin as after the Argyll Family. This, I think, is a mistake. Among the more ancient Writs in the Charter Chest (Box 10) there are two which would go to shew this mistake—

(1.) A Charter by UTRED, son of JORDAN DE MONIFIETH, late Burgess of Dundee, and MARIOT his wife, daughter of PETER DE CUP', Burgess of the said Town, to ADAM DE PYLMOR, of one of Burgage Land in the Street called Ergaydilisgat in the Burgh of Dundee. It has no date, but appears to have been written about the first half of the 14th century; and

(2.) There is an Agreement between ADAM DE PILMOR, Burgess of Dundee, and ADAM CARPENTER, by which the former conveys to the latter a piece of ground in the Town of Dundee in the Street called Ergeylisgat, on the east side of the vennel leading to the way called Flokergat (Nethergate), dated on Wednesday next after the feast of St. Luke the Evangelist, Anno 1331.

In the history of "The Scottish Nation" it is recorded that the CAMPBELLS first assumed the title of Argyll about 1420.]

W. H.

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No. 30. of Inventory. *Letters Patent by King* JAMES II. *of Shore Dues for improving the Harbour, granted with consent of the Burgesses, Merchants, &c., to endure during His Majesty's pleasure—being the first authority to levy Shore Dues at the Harbour of Dundee, dated 10th July, 1447.*

JACOBUS, Dei Gratia, Rex Scotorum, universis et singulis Ligeis et Subditis nostris ac aliis quibuscunque cujuscunque nationis existant Naves seu Naviculas vel Batellas magnas seu parvas apud portum de Dunde ducentibus, Salutem. Sciatis quod propter commune bonum et publicam utilitatem ac etiam saluationem et securitatem navium et bonorum dictum portum sine Rade de Dunde entrantur et exeuntur ob cujus reparantionis defectum gravia inestimabilia dampna ex naufragio frequenter provenent et contingetat. Statuimus et ordinavimus ex consensu burgensium et mercatorum burgi nostri de Dunde quod in augmentatione fabrice et reparationis dicti portus assumentur, et leventur certe taxe seu tallie de navibus, naviculis, et batellis ibidem intrantibus per modum qui sequatur in vulgare.—

In the first of ilk Serplair of Wol and Skynnis of fremen of the King's bowrowis, ii*d.*, and of strangers and unfremen, iiii*d.*; of ilk tun of fremen, ii*d.*, of strangers and unfremen, iiii*d.*, and of all uther things, pok, pak, and bairel, proportionalli answerand to the serplair and the tun; of ilk last of hyds of fremen, VIII*d.*, of unfremen and strangers, XVI*d.*; of ilk chalder of corne, malt, and salt, ii*d.*; of the chalder of coles and lyme, ii*d.*; of ilk tun of gyrnel gud of fremen, ii*d.*, of unfremen and strangers, IIIJ*d.*; of ilk last of beire mele, hering, or of sic like things of fremen, VIII*d.*, the last of terr, IIIJ*d.*, of the c. bords of unfremen, iiii*d.*, of c. boustasts, IIIJ*d.*, of the last of —— VIII*d.*, c. bords, iiii*d.*, of c. planks, VIII*d.*, and sua of uther like guids. Item of howks and forecastellis schippes that cums in the haven and the rade, X sh., of ilk crear, buschen, barge, and balingar, V sh., of ilk fercost, XII*d.*, of ilk greite bate, VI*d.*, with vitals or uther guids. Item of ilk small bate, ii*d.*, and sua of uther like things, and at al others litil schippis, fercostis, and batis cumand within the said havin sall pay the anchorage as uis and custum is and was in tyme bygane:

Quare omnibus et singulis superscriptis firmiter precipimus et mandamus quaternis ordinationes et statuta hujusmodi prout superius

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Shore dues

July, 1447.—

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scribentur teneat et observent ac eisdem pareant obediant et intendant sub omne pena que competere potent in hac parte: In cujus rei Testimonium has litteras nostras pro mea voluntate duraturas sub magno sigillo nostro fieri secunque patentis, apud Edinburgh decimo die mensis Julii, Anno Domini millesimo quadragentesimo quadragesimo septimo et Regni mei undecimo.

TRANSLATION OF THE FOREGOING LETTERS PATENT BY JAMES THE SECOND.

JAMES, by the Grace of God, King of the Scots, to each and all of our liege subjects, and to whomsoever of the nation having ships or vessels, great or small, trading at the Port of Dundee, Greeting. Know ye, that for the common good and public utility, and also the safety and the security of ships and of goods entering and leaving the shore or landing-place of the said Port of Dundee, it being represented to us that, by reason of defective repair, great damage threatened the shipping frequenting the said port, we therefore statute and ordain, with the consent of the burgesses and merchants of our said Burgh of Dundee, that they undertake the duty of enlarging and repairing the said port, and may levy a certain tax or toll from the ships, boats, and batells entering the same, in the manner following:—

In the first of ilk Serplair of Wol and Skynnis of fremen of the King's bowrowis, ii*d.*, and of strangers and unfremen, iiii*d.*; of ilk tun of fremen, ii*d.*, of strangers and unfremen, iiii*d.*, and of all uther things, pok, pak, and bairel, proportionalli answerand to the serplair and the tun; of ilk last of hyds of fremen, VIII*d.*, of unfremen and strangers, XVI*d.*; of ilk chalder of corne, malt, and salt, ii*d.*; of the chalder of coles and lyme, ii*d.*; of ilk tun of gyrnel gud of fremen, ii*d.*, of unfremen and strangers, IIIJ*d.*; of ilk last of beire mele, hering, or of sic like things of fremen, VIII*d.*, the last of terr, IIIJ*d.*, of the c. bordis of unfremen, iiii*d.*, of c. boustasts, IIIJ*d.*, of the last of —— VIII*d.*, of c. planks, VIII*d.*, and sua of uther like guids. Item of howkis and fore-

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castellis schippes that cums in the haven and the rade, x sh., of ilk crear, buschen, barge, and balingar, v sh., of ilk fercost, xii*d.*, of ilk greite bate, vi*d.*, with vitals or uther guids. Item of ilk small bate, ii*d.*, and sua of uther like things, and at al others litil schippis, fercostis, and batis cumand within the said havin sall pay the anchorage as uis and custum is and was in tyme bygane:

Wherefore to all and each of these above mentioned, we order and command, that besides the laws and usages before in use, that the above ordinance shall be observed and obeyed, under all pains and penalties competent in the premises. In testimony whereof these letters made patent to endure during our pleasure, we have caused to be passed under our Great Seal, at Edinburgh the tenth day of July, in the year of our Lord, one thousand four hundred and forty-seven, and eleventh of my reign.

No. 8. of Inventory (Hospital). *Charter and Gift by King* Robert III. *of One hundred Shillings yearly out of the Great Customs of the Town of Dundee to the Chaplainry of St. Salvator in the Parish Church of Dundee, for mass for the soul of his Son* David, *Duke of Rothesay, who was murdered in the dungeons of Falkland Palace, dated 8th February, 1404–5.* (A Simile of the Charter is given.)

No. 47. of Inventory. *Remission by King* James IV. *to the Town of Arrears of Dues and Transgressions as to Weights and Measures, signed by the King, dated 20th March, 1511–12.* (Simile is given.)

No. 11. of Inventory (Hospital). *Papal Bull or Writ by Pope* Leo X., *being a Presentation by that Pontiff, dated 1513.* (Simile, with Seal and Likeness of the Pope, given, along with the substance of the Writ translated on the back of the Lithograph.)

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Translation of G

ROBERT, by the grace of God, King of
of the soul of our whilom first born,
and for the souls of those who have given
have given, granted, and by this our prese
the Chaplain there celebrating, when he sh
our burgh of Dundee: To be held, had, pos
said hundred shillings, by the hands of the
sunday, to wit, and Martinmas in winter,
gift granted or given to any altar or chapl
Council of the same town by the communit
the soul of our said son, and of those for w
for the honour of God, and the favour of th
the said custumars of Dundee, who shall fo
chaplain there celebrating, as is premised
command, by these presents, to be fully all
seen: In testimony whereof, to our prese
Christ, GILBERT, Bishop of Aberdeen, our C
PARK, father, Mr. WALTER FORSTAR, our S
four, and of our reign the fifteenth year.

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One Hundred Shillings out of the Customs
Mass for the Repose of the Soul of his Son,
d Palace:- Dated, 8th, February, 1404-5.

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JAMES, be the grace of God, King of Scottis, to all tis, and to all vtheris our officiaris, liegis and subdittis quham and for vthir resonabill consideracionis moving ws, to have remittit, habitaris our burgh of Dunde, all actionis, faltis, and transgressionis ae airis, anent the vsing of ony wechtis or mesouris as stanis, pundis, belanging to our chaumerlane airis, and all thingis concernyng the thame or ony of thame, and that thai may be accusit of criminaly in tiounis abone expremit, or ony vther pointis or actiounis belanging o day and date heirof: And inlikwise all actioun that may be imput t or negligence or sleuth thairin, or ony thing concerning the samyne b chargis thame thairof for euer: Quhairfore we charge straitlie and co 3our deputis, and all vtheris our officiaris, liegis and subditis forsaid ouest, ballies, counsale, and communite and inhabitaris of our said bu or ony thing that may folow thairupoun, in thare personis, landis, o cuming, vndir all the hieast pane, charge, and offense that 3e and ilka, present and tocum, and 3our deputis, of 3our officis in that part for ke as and the samyne wer maid and gevin to thame be our lettres v agane calling quhatsumever: Attour, we gif licence to the saidis pro, wechtis, and meseuris siclike as wes deliuerit to thame in our last e deuisit and gevin to thame be ws and our grete chaumerlane, and tyme cuming: Gevin vndir our prive sele at Edinburgh the xx day of

ES, *Rex.*

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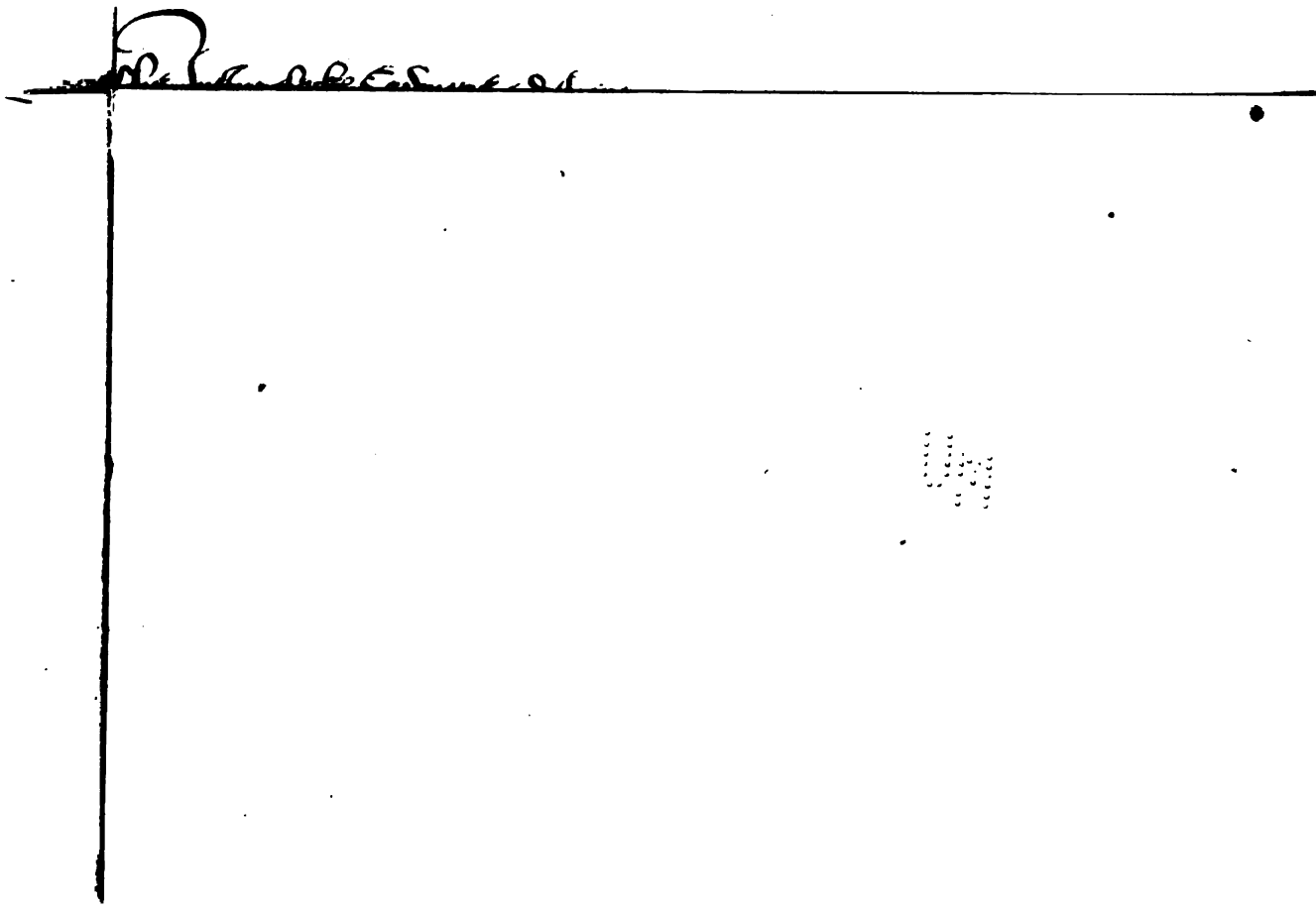
re) to the Down and
king Weights and
the 24th year of his Reign.)



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No. 12. of Inventory (Hospital). *Feu-Charter by the Chaplain of St. Mary's in St. Clement's Church of the one-half of the Third part of the Town and Lands of Milton of Craigie, in favour of* JOHN JACKSON, *Burgess of Dundee, for the Feu-Duties therein mentioned, and reserving the portion next the River for the use of the Town of Dundee, dated 31st August, 1540.*

OMNIBUS hanc Cartam Indentatam visuris vel audituris, Mgr RYCHARDUS JAKSOUN, capns capnie ble Marie Vgis in ecclia Sancti Clemētis intra oppidū de Dunde brechinēn dioc fundata, slm in Dño sempiternā. Noverite me non vi aut metu ductu nec error lapsu fraude dolo ve circūvētū sed ex mea mera libera et spontanea volūtate cū expressis consensu assēsu prepositi et duodecem validissimorū virorū burgeñ dict oppidi et capnie mei predict patronorū debit cū īstan requisitor ōibusq, debitis solē poritatibus de jure rquisite observatis euidētis utilitati ecclie et capnie mei ac successorū meorū eiusd capellanorū undiq, premisa et cōsiderat necnō p ānua augmēta°ne rentalis eiusd ad sūma quīquagēta quīq, solidorū monete Scocie plusq, unq, ītegra dimidia pars tercie partis tocius et ītegre ville et trarū de Milltoun de Cragy cū suis ptinen ac quadragīta solidorū dict monete plusq, unq, mansū meū īfrascriptū michi et predecessoribus meis ānuatim prius solverūt seu reddiderūt ac pro incremēto policie intra regnū alijsq, justis et rationabilibus causis me ad hoc impelleñ dedisse concessisse assedasse locasse arrēdasse et ad feudifirma dimisisse et hac pnti carta mea cōfirmasse necnō p pntes dare concedet assedare locat arrēdare et ad feudifirma dimittir et hac pnti carta mea cōfirmat dilecto meo JOHANNI JAKSOUN, burgeñ de Dunde, et heredibus suis masculis quibus forte difficieñ seniori heredi suarū feminarū absq, divisione TOTAM ET INTEGRAM dimidia partem tercie ptis tocius et integre ville et trarū de Milltoun de Cragy ppe Dunde cū domibus toftis croftis ac alijs suis ptinen nūcupat cōiter browssis part sine Sanct Clemēt pt dict mei capnie ānexat unit et legitime ptinen jaceñ infra vicecōitatu de Forfar ad ptem solare tocius et ītegre ville predict p *lye dalis* et *scheddis* int terras de Goterstoone ac eciam terras dimidij tcie partis

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hīndi ville et trarū de Cragy abbatis et convētus de Lindoris ptinen nūc spectañ DAVID WEDD'BURN ad orieñ et terras dimidij tercie ptis Sancti Clemētis pdict ville de Cragy nunc ptinen WALTERO SCRYMGEO^R de Gleswaill ad occideñ necnō totū et īntegrū mansū meū predict capnie ānexat nūcupat vlgarit Sanct Clemētis mans cū suis ptinen jaceñ īfra dict oppidi de Dūde ex pte australi cimiterii ecclie Sancti Clemēte īter tra^s. WILLMI STWART ad occideñ terras heredid JOHIS alias JENKIN COSTERIS ad orieñ cimiteriū dict ecclie ad borea et publica via quo itur ad *lye pere hed* ad austrū, TENEÑ ET HABEÑ tota et integra predict dimidia parte tercie ptis tocius et ītegre ville et terrarū de Milltoun de Cragy cū domibus toftis croftis et alijs suis ptinēciis quibuscūq; nūcupat cōiter browssis sine Sanct Clemētc pt prefat JOHĀNI JAKSOUN et heredibus suis masculis quibus forte difficieñ seniori heredū suarū feminarū absq; divisione de me et successoribus meis dict capellanie capnis in feudifirma ac hereditate ī ppetuū necnō totū et integrū mansū meū predict cū singlis suis ptinen prefat JOHĀNI JAKSOUN et heredibus suis predict a me et successoribus meis de supremo dnō nrō Rege in libero burgagio ac hereditate ī ppetuū p oēs rectas metas suas antiquas et divisas prout jacet in longitudīe et latitudīe in domibus edificijs hortis planis moris mīsesijs vijs semitis aquis stagnis vinarijs rivulis pratis pascuis et pasturis aucupa°nibus venationibz pisca°nibz piscarijs petarijs turbarijs carbonarijs colūbis colūbariis cuniculis cunicularijs fabrilibus brasinis bruerijs et genestis molēdinis multuris et eorū sequelis silvis nemoribz virgultis pomerijs virūarijs arboribz lignis lapicūijs lapide et calce ac quarellis cū curijs et earū exitibus amerciamētis herezeldis et bludewittis ac mulierū mchetis cū cōi pastura liberoq; introitu et exitu ac cū oībus alijs et sīglis libertatibus coīnoditatibus pficuis et aisiamētis ac justis suis ptinen quibuscūq; tam nō nōīatis q nōīatis pcul et ppe tam sublus terra q supra tra ad hīndi integra dimidia pte tercie ptis tocius et ītegre ville et trarū de Milltoun de Cragy cū suis ptineñ necnō ad māsū meū predict cū singlis suis ptineñ spectañ seu juste spectare valeñ q°modolibz in futurū adeo liber quiete plenarie honorifice bene

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et in pace sicut ãque ꝛre eccl̃iastice ītra regnū Scocie ad feudifirma ac hereditarie dimisse seu dimittende liberius tenētur et possuētur seu teneri et possideri ꝓint q°vismodo in futurū sine revocare r̃tinemēto obstaculo impedimēto aut cōtradictione ãquati. REDDEN INDE ANNUATIM dictus JOHĀNES JAKSOUN et heredes sui predicť michi et successoribus meis capnie predicť capnie qui pro tēpor. fu̇int ꝑ integra dimidia ꝑte ꝛcie ꝑtis tocius et ītegre ville et ꝛrarū de Milltoun de Cragy cū ꝑtinen quattuor bollas frumēti quattuor bollas farine avenaceæ et sūma quattuor librarū decem solidorū mote Scocie ac eciam sūma decem solidorū dicť mote ānis sing̃lis pro caponibus tanq̃ firma ānua ꝑ eaď integra dimedia ꝑte ꝛcie ꝑtis tocius et īntegre ville et ꝛrarū predicť prius ānuať solui solita et cōsueta necnō ꝑ māso meo predicť sūma quadragēta solidorū prefat mote tāq̃ firma ānua prius ānuati de eoď māso cum ꝑtineñ solui solita et cōsueta ac eciam sūma quīquagēta quīq̃ solidorū mote Ꝛdicť ānuati ac ānis sig̃lis ī augmētaᵒnem rētalis dicť capnie pro ī feodacione predicť ītegre dimidii ꝑtis ꝛcie ꝑtis ville et ꝛrarū predicť de Cragy necnō sūma quadragēta solidorū Ꝛfat mote ānuati raᵒne augmētaᵒnis Ꝛntis ī feodaᵒnis māsi Ꝛdicť cū suis ꝑtineñ unacū firma r̃gia sine burgali de eoď māso debiť et cōsueta EXTENDEN IN TOTO ad quattuor bollas frumēti quattuor bollas farine avenaceæ et sūma undecem librarū quīdecem solidorū usualis mote regni Scocie citra et preter dicta firma r̃gia sine burgalem in futurū solveñ frumētu et farina in festo purificaᵒnis beate Marie Vg̃is et pecuniā d̃nos ani terminos cōsuetos festa viꝫ Penthecostes et Sancti Mt̃ini ī hyeme ꝑ equales dimidias porciones ānuati nōīe feudifirme tātū pro õi alio oner servitio seculari exactione et demāda que de predicť dimidia ꝑte ꝛcie ꝑtis tocius ville et ꝛrarū de Milltoun de Cragy ac māso meo predicť cū sing̃lis suis ꝑtineñ ꝑ quoscūq̃ juste exigi poterũt q°modolibꝫ vel requiri seu ãqualīt demādari ac eciam heredes dicti JOHĀNIS JAKSOUN solveñ michi et successoribꝫ meis ī eorū primo introitu ad dicta integra dimidia ꝑtem ꝛcie ꝑtis ville et ꝛrarū de Milltoun de Cragy cū ꝑtineñ suis preciæ sūma quīq̃ librarū dicť mote tātū Insuꝑ dictꝰ JOHĀNES et heredes sui predicť manutẽbũt et r̃parabũt

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dictū māsū cū ꝑtinen in edificijs structurꝫ et tecto oĩbus futurꝫ tẽporibus honeste ut decet. Et ego vero dictus Maĝr Rychardus Jaksoun capellanie ꝑfaĩ capn9 et successores mei eiusd capnis capellani tota et ītegra dimidia ꝑte ꝟcie ꝑtis tocius et ītegre ville ac ꝟrarū de Milltoun de Cragie cū ꝑtineñ nūcupaĩ cõiter browssis part sine Sanct Clemētꝫ ꝑt necnō totū et ītegrū māsū meū nūcupat vulgarit Sanct Clemētis mans cū singulis suis ꝑtineñ ac eciam ꝑnte cartā mea dationis cōcessionis assedaᵒnis locaᵒnis arrēdaᵒnis et ad feudifirma dimissionis earūd facĩ prefaĩ Johāni Jaksoun et heredibus suis masculis quibȝ forte difficieñ seniori suarū feminarū heredi absq; divisione adeo libere et quiete ī õibus et ꝑ õia forma parit et effectu ut premissũ est cōtra oies mortales varātīȝabm9 acquietabm9 et ī ꝑpetuū defendem9. Reservāte tamen libertati ac utilitati ñri oppidi libero usui tocius porcionis īter via et flumē ab hospitali seu dõibȝ leprosorū ad occideñ usq; ad *ly hayr crag* et inde ad trajectū ad orieñ sed præcipue usu lapidicinarū ut īde lapides quot quocies et qᵒusq; ī fūdo libera possint exhindi necnō ꝑtātate edificādi casas īfectis ī tempoĩ pestis et extrahēdi et siccādi retia et si que sint alia ad piscanē cōducētia ad hec sumēdi et avehēdi lapillos ad servādas vias aptas et saburras naviū; Item reservāte liberis sacello sancte cruce et sacello Sancti Joñis cū cimitero eiusd cū usu suspēdii de Cragy et rĩliquis usubȝ et ꝯsuetudinibȝ hacten9 a nobis habite et possessis. Et dict9 vero Johānes Jaksoun predicĩ ꝑte sub via nobiscū qᵒmodolibȝ uti poñit modo ī his reservāte nullū nobis seu oppido nr̃o faciat īpedimētū. In cui9 rei testimoni ꝑti hu9 singraphy seu indēture ꝑ oppidanos servāti et manēti Johānes Jaksoun suū sigillū cū manuali scripture affixit apud civitate Sancti Adrꝫ die pēultimo die mēsis Augusti ānо d̄ni millesimo quīgētesimo quadragesimo corā hiis testibȝ Mĝris Jacob Rolland, Johāne Brown, puᵬcis notarijs, Johāne Jaksoun, seniori, Will'mo Myll, Will'mo Weddell, et Jacobo Cure, Henrico Rechartson, Will'mo Spalding, et Mĝro Waltero Spalding, notaris pubco.

Johānes Jaksoun, burgeñ de Dunde, manu ꝑpr̃a.

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TRANSLATION OF THE FOREGOING FEU-CHARTER.

TO all who shall see or hear this Charter signed and sealed, Master RYCHARD JAKSOUN, Chaplain of the Chaplainrie of the blessed Virgin Mary founded in the Church of St. Clement, within the town of Dundee of the diocese of Brechin, greeting in the Lord everlasting. Know me, not led by force or fear nor fallen in error, or circumvented by fraud (or) deceit, but of my plain, free, and voluntary will, with express consent and assent of the Provost and twelve of the most sufficient men burgesses of the said town, and usual Patrons of my foresaid Chaplainrie, instantly called, and all usual solemnities required by law observed, for the evident utility of the Church and my Chaplainrie, and my successors, Chaplains thereof, in all points pondered and considered, also for yearly augmentation of the rental of the same to the sum of fifty-five shillings money of Scotland, exceeding the whole half part of the third part of all and whole the town and lands of Milltoun of Cragy, with their pertinents, and forty shillings of said money exceeding what my manse, underwritten, formerly paid and rendered to me and my predecessors yearly, and for increase of government within the kingdom, and for other just and reasonable causes moving me to this, to have given, granted, assedated, located, arrendated, and to feu-farm, dimitted, and by this my present charter to have confirmed, also by these presents to give, grant, assedate, locate, arrendate, and to feu-farm, dimitt, and by this my present charter confirm to my beloved JOHN JAKSOUN, burgess of Dundee, and his heirs male, whom peradventure failing, to the eldest heir of his females, without division, ALL AND WHOLE the half part of the third part of all and whole the town and lands of Milltoun of Cragy, near Dundee, with the houses, tofts, crofts, and others, their pertinents, commonly called browsers part of Saint Clement's, part to my said Chaplainrie annexed, united, and legally pertaining, lying within the sheriffdom of Forfar, to the sunny part of all and whole the town foresaid by the dalis and sheddis between

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the lands of Gotreistoone, and also the lands of the half of the third part of such town and lands of Cragy pertaining to the Abbot and Convent of Lendoris, now belonging to DAVID WEDDERBURN, at the east, and the lands of half the third part of Saint Clement of the foresaid town of Cragy, now belonging to WALTER SCRYMGEOUR of Glaswall, at the west; also all and whole my manse of the foresaid Chaplainrie annexed, commonly called Saint Clement's Manse, with their pertinents, lying within the said town of Dundee on the south part of the cemetery of the Church of Saint Clement, between the lands of WILLIAM STUART at the west, the lands of the heirs of JOHN *alias* JENKIN COSTERER at the east, the cemetery of the said church at the north, and the public road by which they go to the pere hed at the south, TO BE HELD AND HAD all and whole the foresaid half part of the third part of all and whole the town and lands of Milltoun of Cragy, with the houses, tofts, crofts, and others, their pertinents whatsoever, commonly called browsers part or Saint Clement's part, by the foresaid JOHN JAKSOUN and his heirs male, whom peradventure failing, to the eldest heir of his females, without division, of me and my successors, Chaplains of the said Chaplainrie, in feu-farm and heritage for ever; also all and whole my manse foresaid, with their singular pertinents, by the foresaid JOHN JAKSOUN and his heirs foresaid, of me and my successors, from our sovereign lord the King, in free burgage and heritage for ever, by all their old bounds, marches, and divisions as they lie in length and breadth in houses, biggings, bosks, plains, muirs, mosses, roads, paths, waters, stanks, vines, rivulets, fields, grazings, and pasturages, fowlings, huntings, fisheries, fishings, peats, turfs, coals, doves, dovecots, rabbits, rabbit holes, smithies, brazings, breweries, and brooms, mills, multures, and their sequels, woods, groves, twigs, orchards, greens, trees, timbers, stones, stone and lime, and gnarells, with courts and their issues, amerciaments, escheats, and bludewitts, and , with common pasturage, and free entry and exit, and with all other singular liberties, commodities, profits, and easments, and their just pertinents

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whatsoever, as well not named as named, far and near, as well below the earth as above the earth, to such whole half part of the third part of all and whole the town and lands of Milltoun of Cragy, with their pertinents; also to my foresaid manse, with their singular pertinents, belonging or justly held to belong in any manner in future, as freely, quietly, fully, honorably, well, and in peace as any church lands within the kingdom of Scotland, to feu-farm and heritably dimitted or to be dimitted are as freely held and possessed, or may be held and possessed in any manner in future, without any revocation, retention, obstacle, hinderance, or contradiction: RENDERING THENCE YEARLY, the said JOHN JAKSOUN and his heirs foresaid, to me and my successors, who for the time may be Chaplains of the foresaid Chaplainrie, for the whole half part of the third part of all and whole the town and lands of Milltoun of Cragy, with their pertinents, four bolls of corn, four bolls of oatmeal, and the sum of four pounds ten shillings money of Scotland, and also the sum of ten shillings of the said money in singular years for capons, as the yearly feu farm for the same whole half part of the third part of all and whole the town and lands foresaid, formerly used and wont, to be paid yearly; also for my manse foresaid the sum of forty shillings of the foresaid money as the yearly farm formerly used and wont, to be paid yearly for the said manse with the pertinents, and also the sum of fifty-five shillings money foresaid yearly and in singular years in augmentation of the rental of the said Chaplainrie for the farm foresaid of the whole half part of the third part of the town and lands foresaid of Cragy; also the sum of forty shillings of the foresaid money yearly by reason of the augmentation of the present feu right of the foresaid manse with their pertinents, along with the royal or burgal farm used and wont from the same manse, EXTENDING IN WHOLE to four bolls of corn, four bolls of oatmeal, and the sum of eleven pounds fifteen shillings of the usual money of the Kingdom of Scotland above and beyond the said royal or burgal farm in future; the corn and meal to be paid at the feast of Purification of the blessed Virgin Mary, and the money

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at the two usual terms of the year—the feasts viz. of Pentecost and Saint Martin in winter, by equal portions yearly, in name of feu-farm only; for all other burden, secular service, exaction, and demand which, from the foresaid half part of the third part of the whole town and lands of Milltoun of Cragy and my foresaid manse, with their singular pertinents, by whomsoever can be justly exacted in any manner, or required, or anyway demanded; and also the heirs of the said JOHN JAKSOUN to pay to me and my successor, on their first entry to said whole half part of the third part of the town and lands of Milltoun of Cragy with their pertinents, precisely the sum of five pounds of the said money only. Moreover, the said JOHN and his heirs foresaid shall keep up and repair the said manse with its pertinents in the biggings, structures, and roof, in all future times honestly as becometh. AND I TRULY, the said Master RYCHARD JAKSOUN, Chaplain of the foresaid Chaplainrie, and my successors, Chaplains of the same Chaplainrie, warrant, acquit, and for ever defend against all mortals all and whole the half part of the third part of all and whole the town and lands of Milltoun of Cragy with their pertinents, commonly called browsers part or Saint Clement's part; also all and whole my manse, commonly called Saint Clement's manse, with their singular pertinents, and also my present charter of gift, grant, accedation, location, arrendation, and dimission thereof to feu-farm, made to the foresaid JOHN JAKSOUN and his heirs male, whom peradventure failing, to the eldest heir of his females, without division, as freely and quietly in all, and by all in like form and effect as is premitted: Reserving, however, the liberty and utility of our town to the free use of the whole portion between the road and the river from the hospital or houses of the lepers to the west even to ly hayr crag, and thence to the Ferry at the east, but chiefly the use of the quarries, that thence stones may be taken as oft as and whensoever free in the ground; also the power of building huts for the infected in the time of pest, and drawing and drying nets, and, if there may be others conducing to the fishing, to this, to collect and carry small

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stones to keep suitable roads and ballast of ships; also reserving free the chapel of the holy cross and the chapel of Saint John, with the cemetery of the same, with the use of burying in Craigye, and the rest of the usages and customs hitherto had and possessed by us; and truly the said JOHN JAKSOUN on the foresaid part, howsoever he may deal under the way with us in these reservations, shall make no hinderance to us or our town: In testimony whereof to this present short writing or indenture, to keep and remain for the townsmen, JOHN JAKSOUN affixes his seal, with his writing manual, at the city of Saint Andrews, the day prior to the last of the month of August, in the year of our Lord one thousand five hundred and forty, before these witnesses:—Masters JACOB ROLLAND, JOHN BROWN, notary public, JOHN JAKSOUN, elder, WILLIAM MYLL, WILLIAM WEDDELL, and JAMES CURE, HENRY RECHARTSON, WILLIAM SPALDING, and Master WALTER SPALDING, notary public.

No. 13. of Inventory (Hospital).

Translation of the Feu-Charter by the said RICHARD JACKSON, *Chaplain, in favour of* WALTER SORYMGEOUR *of Glaswell, of the other half of the Third part of the Town and Lands of Craigie, for the Feu-Duties specified, dated 1540.*

TO all who shall see or hear this Charter, Master RECHARD JACSOUN, Chaplain of the Chaplainrie of the blessed Virgin Mary founded in the Church of Saint Clement, within the town of Dunde, of the diocese of Brechin, greeting in the Lord everlasting. Me not led by force or fear nor fallen in error, or circumvented by deceit (or) fraud, but of my plain, free, and voluntary will, with express consent and assent of honorable men the Provost or alderman and twelve of the most sufficient men of the burgh of the said town, and usual patrons of my foresaid Chaplainrie, instantly called; and having with diligent treatment and all usual solemnities required by law observed for the evident utility of the Church and my Chaplainrie, and my successors, Chaplains thereof, in all points pondered and considered also for yearly augmentation of the rental of the same to the

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sum of fifty-five shillings of said money, exceeding the whole half part of the third part of all and whole the town and lands of Myltoun of Cragy, with the pertinents, to me and my predecessors yearly formerly paid, and for increase of government within the Kingdom of Scotland, and other just and reasonable causes moving me to this, to have given, granted, assedated, located, arrendated, and to feu-farm, dimitted, and by this my present charter to have confirmed, also by these presents to give, grant, locate, arrendate, and to feu-farm, dimitt, and by this my present charter to confirm to my beloved WALTER SCRYMGEOUR, of Glaswall, and his heirs male, all and whole the half part of the third part of all and whole the town and lands of Myltoun of Cragye near Dunde, with the houses, tofts, crofts, and others their pertinents, commonly called browsers part or Saint Clement's part, to my said Chaplainrie annexed, united, and legally pertaining, lying within the shireffdom of Forfar, to the shadow or shady part of the lands of JOHN JACSOUN, burgess of Dundee, by ly dalis and sheddis between the lands of the said JOHN at the east and the lands of the third part of such town and lands of Myltoun of Cragy pertaining heritably to the lord of Gray, and at present possessed by the heirs of the lord of Belto, at the west—TO BE HELD AND HAD all and whole the foresaid half part of the third part of all and whole the town and lands of Myltoun of Cragye, with the houses, tofts, crofts, and others their pertinents foresaid, by the foresaid WALTER SCRYMGEOUR and his heirs male of me and my successors, Chaplains of the said Chaplainrie, in feu-farm and heritage for ever, by all their old bounds, marches, and divisions, as they lie in length and breadth, in houses, biggings, bosks, plains, muirs, mosses, roads, paths, waters, stanks, vines, rivulets, fields, grazings and pasturages, fowlings, huntings, fisheries, fishings, peats, turfs, coals, doves, dovecots, rabbits, rabbit holes, smithies, brazings, breweries, and brooms, and mills, multures, and their sequels, woods, fields, pasturages, groves, twigs, orchards, greens, trees, timbers, stones, stone and lime and gnarells, with courts and their issues, amerciaments, escheats, and bludewitts, and

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, with common pasturage and free entry and exit, and with all other singular liberties, commodities, profits, and easments, and their just pertinents whatsoever, as well not named as named, far and near, as well below the earth as above the earth—to such whole half part of the third part of all and whole the town and lands of Myltoun of Cragy, with their pertinents belonging, or justly held to belong in any manner, in future as freely and quietly, fully, wholly, honorably, well, and in peace, as any church lands within the Kingdom of Scotland, to feu-farm and heritage dimitted, or to be dimitted, are as freely held and possessed, or may be held and possessed in any manner in future, without any retention, revocation, obstacle, hinderance, or contradiction: RENDERING thence yearly, the said WALTER and his heirs male whomsoever, to me and my successors, who for the time may be Chaplains of the Chaplainrie, for the whole half part of the third part of all and whole the town and lands of Myltoun of Cragye with their pertinents, four bolls of corn, four bolls of oatmeal, and the sum of four pounds ten shillings money of Scotland, and also the sum of ten shillings of the said money for capons, because yearly formerly paid as the yearly farm for said whole half part of the third part of all and whole the town and lands foresaid formerly used and wont; also the sum of fifty-five shillings money foresaid yearly and in singular years in augmentation of the rental of the said Chaplainrie for the present feu-right, extending in whole to four bolls of corn, four bolls of oatmeal, and seven pounds fifteen shillings usual money of Scotland, payable in future, viz., the corn and meal at the feast of Purification of the blessed Virgin Mary, and the money at the two usual terms in the year, viz., Penthecost and Saint Martin in winter, by equal half portions yearly, in name of feu-farm only, for all other burden, secular service, exaction, or demand, which from the foresaid half of the third part of all and whole the foresaid town and lands, and their pertinents, by whomsoever can be exacted in any manner, or required, or any way demanded; also the heirs of the said WALTER SCRYMGEOUR foresaid, in the first year of their entry to the foresaid

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lands, with their pertinents, pay to me and my successors only the sum of five pounds of the foresaid money precisely. And I truly, the foresaid Master RECHARD JACSOUN, Chaplain of the foresaid Chaplainrie, and my successors, Chaplains of the same Chaplainrie, warrant, acquit, and for ever defend against all mortals all and whole the half part of the third part of all and whole the town and lands of Miltoun of Cragye, with their pertinents, and also my charter of gift, grant, assedation, location, arrendation, and dimission to feu-farm of these lands foresaid to the foresaid WALTER SCRYMGEOUR of Glaswall and his heirs male, as freely and quietly in all and by all in like form and effect as is premitted: Reserving, however, the liberty and utility of our town to the free use of the whole portion between the road and the river from the hospital or houses of the lepers at the west even to hayr craggis, and thence to the ferry at the east, but chiefly the use of the quarries, that thence stones may be taken as oft as and whensoever free in the ground; also the power of building huts for the infected in the time of pest, and drawing and drying nets, and if there may be others conducing to the fishing to this, to collect and carry away small stones to keep suitable roads and ballast of ships; also reserving free the Chapel of the Holy Cross and the Chapel of Saint John, with the cemetery of the same, with the use of burying in Cragye and the rest of the usuages and customs hitherto had and possessed by us: And truly, the said WALTER SCRYMGEOUR on the foresaid part, howsoever they may deal under the way with us in these reservations, shall make no hinderance to us or our town: In testimony whereof, to this present short writing or charter, signed and sealed to keep and remain for the townsmen, the said WALTER SCRYMGEOUR appends his proper seal, along with his subscription manual, before these witnesses, JACOB ROLLAND, JOHN BROWN, notarys public, JOHN JACSOUN, elder, WILLIAM MYLL, WILLIAM WEDDALL, JAMES CURE, HENRY RECHARTSOUN, WILLIAM SPALDING, and Master WALTER SPALDING, in the year one thousand five hundred and forty.

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le of Arrane, Lord Hammiltoun, pro-
urgh of Dunde is alluterlie brint and
nd sen (since) the wynning thairof fra
amin, and makand sum polecy* for the
(plunders) and douncastis and downe-
vell coistis and expensis of oure weris:
governour thairto we grant and gevis
within oure said burgh of Dunde and
e fra our (h)oist and army ordanit to
ocht incur ony danger or skaith thair-
alie nor civilie be ony maner of way in
entis, vtheris actis, ordinances, lettres,
contenit thairin: Anent the quhilkis
oure said burgh and fredome thairof,
and subscriuit be oure said governour
me the aucht zere.

igned) JAMES *G.*

Composicio iiijc lib.

improving its appearance."—*Jameson's Scots Dict:*

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[These Feu-Charters seem to throw light on the differences which have for a long time existed between the Town and the Proprietors of Craigie regarding the rights to the banks and shore of the Tay along the lands of Craigie. It would appear from these Charters that Craigie was held by the Church under old Mortifications, all confirmed by the Charters of Queen MARY and JAMES the Sixth,—that the Chaplain, in order to increase the revenues, resolved in 1540 to feu the lands, and did so by the foresaid Charters; and the feu duties payable under these Charters continued to be drawn by the Town and Hospital until the same were sold by public sale to Mr. GUTHRIE of Craigie in 1780 for £500.

It will be seen from the Charters, that the subjects feued are specially bounded, and that there is an important reservation from the subjects feued of the southern slope or banks of the property *ex adverso* of the River, and between the public road to the Ferry and the River; and these were reserved from the grant for the use and utility of the Town of Dundee.

A dispute arose, about a century ago, by reason of the Proprietors of Craigie claiming the whole of the Craigie Muir, and also the Roodyards and Carolina Port properties, as parts and pertinents of the Craigie Estate. This the Town disputed, and claimed the properties. A submission was entered into, and after full enquiry, a decreet arbitral was pronounced, dividing the Muir of Craigie, and apportioning to the Town what is now known as Stobsmuir, and finding that the Roodyards, Oliver's Crofts, and Carolina properties were not parts of the Craigie Estate, and that these pendicles remained in the Hospital of Dundee—the original superior and owners of the Milton of Craigie under the ancient grants to the Church, confirmed as aforesaid. The ancient Writs were during the discussion in the submission stated to have gone amissing, and the rights of the parties therefore not easily ascertainable, but the arbiters found that, according to the admission of the Proprietors of Craigie, they only rented the subjects and paid £25 6s. 8d. Scots of yearly rent to the Hospital for the same; but as they long held the occupancy, and in the absence of the Titles, the arbiters ordained the Hospital Patrons to grant a Feu-Charter in favour of Craigie of said Crofts, the feu-duty being fixed at the said rent; and this feu-duty is still payable to the Hospital Fund for these separate lands. The Submission and Decree Arbitral, Pleadings, and Proceedings are in the Town's Repositories (see No. 21 of Inventory—Hospital), and shew fully the pleas and contentions of the parties.]

No. 53. of Inventory. *Warrant by the Earl of* ARRAN, *Governor of Scotland, granting remission to the Inhabitants of Dundee to be absent from the army, in respect of their services and the necessity of defending the Town, dated 10th April, 1550.* (Simile is given.)

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No. 60. of Inventory. *Licence by Queen* MARY *to the Town of Dundee to bury the dead in the yards sometime occupied by the Grey Cordeliers Friars, dated 11th September, 1564.* (A Simile is given.)

WE, understanding that the kirkzarde of oure burgh of Dondei is situat in ye myddis yairof, quhairin ye comone traffique of merchandice is usit; And als ye deid of oure said haill burt is buryit; And throu occasioun of ye said buriall pest and uther contagius seikness is ingenerit: And efter infectiouñ it maks ye sam to perseveir and contineu to ye grit hurt nocht onlie to ye Inhabitants of oure said burt bot alsua of ye haill Realme. And wtin the realme of France and uther forn pts thair is na deid bureit wtin borrowis and grit townis bot hes thair bureall places and sepulturis outwt ye sam for evading of ye contagius seikness foirsaids. And in ye said kirkzardis quhairin ye deid was buryit of befoir mair decent polecie may be had to ye honor of oure realme and rest of our Leiges. Quhairfoir and for uther ressonable causes and considerationes mowing us and for guid trew zaill and thankful suite done and to be done to us and our successors hes permittet and licencit and be yir prsts permitts and licencis thaim and yair successors foirsaid to bury yair deid in yat place and yardis qlk sumtyme wes occupyit be ye Gray Cordelier Freris outwt and besyd or said burt And to intromett repair use clois and big ye sam sufficientlie to ye effect foirsaid In tyme coming, bot ony revocatioun obstacle impediment or agane calling quhatsumever. Subscryvit with oure hand and Given under oure Signet at Dondei ye ellevint day of September the zeir of God Jaj vc three scoir for zeiris.

(Signed) MARY *R.*

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right of burying their
kember 1564.

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No. 14. of Inventory. *Translation of Precept for Charter by Queen* MARY *in favour of the Burgh of Dundee, dated 14th April, 1567.*

PRECEPT for Letters, made in favour of the Provost, Bailies, Council, and Community of the Burgh of Dundee, and their successors in perpetuity, in regard to all and sundry lands, tenements, houses, biggings, churches, chapels, yards, orchards, crofts, annual rents, fruits, duties, profits, emoluments, eleemosynary duties or dail-silver, obits and anniversaries whatsoever, which in any way pertained or are known to pertain to whatever Chaplainries, Altarages, Prebendaries, in whatsoever Church, Chapel, or College within the liberty of the Burgh of Dundee, founded by whatsoever Patron, in the possession of which the Chaplains and Prebendaries of the same were, wherever the foresaid houses, tenements, biggings, orchards, yards, annual rents, anniversaries, fruits, profits, and emoluments lie, or were formerly levied respectively; with the manor places, orchards, annual rents, emoluments, and duties whatsoever which formerly pertained to the Dominican or Predicant Friars, and Minorities or Franciscans, and Nuns, commonly called Gray Sisters, of the said Burgh of Dundee; together with all and sundry lands, houses, and tenements lying within the said Burgh and liberty thereof, with all annual rents leviable from whatsoever houses, lands, or tenements within the said Burgh, given, granted, and founded to whatsoever Chaplainries, Altarages, Churches, Mortifications, or Anniversaries, wherever they be within this kingdom; and also with all and sundry annual rents and other duties usual, or which can be demanded by whatsoever Church without the said Burgh from the Provost and Bailies thereof out of the common rent thereof for the celebration of prayers, with the pertinents,—to be held, &c., by the foresaid Provost, Bailies, Council, and Community, and their successors, of our Illustrious Lady and Queen, and her successors, in perpetuity, &c. At Edinburgh the 14th day of the Month of April, 1567. *Per Signetum.*

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No. 15. of Inventory (Hospital).

Conveyance, dated 9th January, 1569, by the Provost, Bailies, Council, and Deacons of Crafts of the Burgh of Dundee, to the Hospital Master of that Burgh, of the places, yards, crofts, acres, rents, feu-mails, annual rents, emoluments, and other duties whatsoever, which belonged to the Friars, Chaplainries, Cloisters, and Altarages, &c., contained in Queen MARY'S *Charter, following on the foregoing Precept* (No. 14).

WE, y^e^ Provost, Baillies, Counsal, Dekins of Craftis, and Cominaltie of y^e^ Bur^t^ of Dundee, hevand consideratioun that the auchoritie for y^e^ tyme Gave and Disponed to us and our successoris Provost, Baillies, Counsal, Dekins of Craftis, and Cominaltie of y^e^ said Bur^t^ of Dundee, all and sundrie y^e^ places, yardis, croftis, akeris, rentis, few-malis, annual rents, emoluments, and uyeris dewtis quhatsomever quhilkis pertenit to y^e^ gray freris, black freris, gray sisteris, chaplainries, cloisteris, and habdomodaries of y^e^ said Bur^t^ to have been applyit to y^e^ uphald & sustenatioun of y^e^ ministrie of y^e^ said Bur^t^; and hevand respect and consideratioun that y^e^ puir decayit honest personis of this Bur^t^ to be placit in y^e^ Hospital of this Bur^t^ or Almishous yairof is ane pairt and portione of the said ministerie of this Bur^t^, and that it belongs to us and our deuties for yair sustentatioun to provyd, thai at yis p̃rnt being all utterlie destitute of ony sufficient rent to sustain yaim, and alsua persevand yat sum particular persons persavis to have interest and possession of ane gryt pairt of the said akeris, zeardis, and croftis quhilkis pertenit to y^e^ saidis freris and gray sisteris for yair awne prevat commodities caus, and no to lat y^e^ samine be disponit to uphald y^e^ puir according to the institution and foundation yairof without remeid be providyt thereto in dew tyme: Thairfour, we, the saidis Provost, Baillies, Counsal, Dekins of Craftis, and Cominaltie of y^e^ said Bur^t^, according to the auchorities donation foresaid, By yir presents disponis perpetuallie to the Maister or Maisteris of y^e^ Hospital or Almishous of yis Bur^t^ and successoris Maisteris yairof, in name of y^e^ puir quhilkis sall be placit yairuntil, All and Haill the foresaidis places, yardis, croftis, and akeris of land, with all and sundrie yair pertinents, quhilkis pertenit

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to y^e^ said gray freris, black freris, gray sisteris, and now to us be ressone of the disposition yairof foresaid, to be haldane of our Soverane Lord, and his successors, in free burrowage for payment of service of Bur^t^ usit and wont, and yat it sall not be leisome to y^e^ said Maisteris of y^e^ Hospital or yair successoris to set in few or onyways dispone y^e^ saidis places, zeards, crofts, and acres to ony manner off person or persones, or ony pairt or portionis yairoff, nor yet for lang takis in onytyme cuming; but zat onlie y^e^ samen be labourit, occupyit, and manurit to y^e^ welfare of y^e^ puir persons of y^e^ said Hospital, and to nane uȳer use; and ordains ane sufficient Chartair and infeftment to be made hereupon, under y^e^ common Seal of yis Bur^t^, in maist suir and ample form. In witness of y^e^ quhilkis, the said Provost, Baillies, Counsal, Dekines of Craftis, in name of y^e^ reset of y^e^ Cominaltie of this Bur^t^, hes subscryvit yir presentes with yair handis, as follows,—at Dundee the nynt day of January, the zeir of God, Jai v.c. thre scoir nyne zeiris, sic subscribitum, JOHN FOTHERINGHAME, Baillie; JAMES FINDLEYSONE, Baillie; JAMES WEDDERBURNE, JOHN DUNCAN, WILLIAM FORRESTER, PETER CLAYHILLS, WILLIAM KINLOCHE, PATRICK DURHAME, THOMAS KINLOCHE, RICHARD BLYTH, THOMAS MUIR, w^t^ my hand at ye pen led be the Nottar underwretane at my command; JOHN GRAY, Dekine, WILLIAM WALKER, Dekine of the Skinners, GEORGE SPENSS, JOHN MERCHALL, ALEX^R^ MEALL of y^e^ Counsel, RICHARD PEIT, Collector, THOMAS GREY, Dekine of the Baxteris, JOHN DICKSON, Dekine of the Tailoris, HEW BARRIE, Dekine of the Fleschears, GEORGE KYD, Dekine of the Walkeris, JOHN MYE, Dekine of the Bonat Makeris, JOHN BRANDEN, Dekine of the Malsteris, with our handis at the pen led be ALEXANDER WEDDERBURN, Notar public, at our command, because we could not writ. A. WEDDERBURN, Nono Januarie, 1569.

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No. 72. of Inventory. *Charter by* Sir JAMES SCRYMGEOUR *of Dudhope to the Town of Dundee of a Third part of the Meadows, dated 27th August, 1591.*

[This Charter conveys to the Town "All and Whole his Third part of the Common Meadows of the said Burgh lying on the north side of the houses in the Murraygate, between the houses of the Wellgate on the east, the Meadow of the said Burgh called ANDREW BARRIE's Meadow on the west, and that part of Sir JAMES' Lands of Dudhope called Chappelshed on the north part, reserving six feet of the said Meadow in breadth contiguous to the Chapellsched, for carting feal for the upholding of the dyke dividing the Lands of Dudhope from the said Meadow only" (now Bell Street).*

After the Reformation, with the exception of the Earl of CRAWFORD and SCRYMGEOUR of Dudhope, no one seriously opposed the right of the Magistrates under Queen MARY'S Charter to the full enjoyment of the Church properties and rents therein conveyed by the Queen for behoof of the Poor and the Ministry of the Hospital. The Earl of CRAWFORD laid claim to a portion of these lands on the plea of a Grant by the Friars prior to the Reformation, but he agreed to compromise his claim, and granted a Conveyance of his right to the Hospital for 1800 merks, or £1200 Scots, which sum was accordingly paid out of the Hospital Fund.

No. 17. of Inventory (Hospital).

These subjects, as thus conveyed by the Earl to the Hospital Master in 1594, comprehended what were anciently known as Meadows occupied by WILLIAM KINLOCH, JAMES LOVELL, and ANDREW BARRIE, and are correctly stated by Mr. COSMO INNES in his Report to the Court of Session in the "Stipend Cases" to have been "the Gardens and Meadows of the Franciscan Friars, and formed part of the Ecclesiastical properties conveyed to the Town Council by the Queen's Charter for behoof of the Ministry and the Hospital. But the Earl of CRAWFORD also laid claim to them, and to much other Church property, founding upon a Deed of Gift which he alleged to have obtained from the Friars on the eve of the Reformation. These competing claims were brought before Parliament, and the result was a compromise among the parties in October 1594, under which the Earl agreed to give up all claim to these lands, and to the other properties to which he alleged right, upon receiving a sum of money—1800 merks (£1200 Scots), which was accordingly paid to him out of the Funds of the Foundation. The Hospital Master thereafter took a Conveyance from his Lordship to the whole properties, consisting of tofts, crofts, yards, and meadows." The subjects here conveyed were "All and Haill the toftis, croftis, zeardis, and meadowis quhilks sumtyme appertenit to y^e^ Cordelier Frieris of the said Bur: of y^e^ whilks meadowis ane sumtyme was occupyt be umq^l^ JAMES LOVELL, burges of y^e^ said Bur: ane uyer be WILLIAM KINLOCHE, burgess y^r^of, and the remanent twa sumtyme be umq^l^ ANDREW BARRY, with all and sundry houses, biggings, and pertinents of the samen, quhilkis war of auld possessit be the said Cordelier Friers, by and besyde the Bur. of Dundie w^in^ the Sheriffdome of Forfar, beginnand at the eist of y^e^ common dam of y^e^ said Bur. stakis toward the land

* Free St. Andrew's Church, the Royal Exchange, and part of the Albert Institute are built upon this ground.

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pertaining to the Constable of Dundie, and on the said Frieris wall zeardis are extendit at the west to the hill called the Tentor Hill and Briery zeardis; and yᵗfrae to THOMAS MONORGAN'S Croft, and frae the said Croft southwart towards the walls of the said Bur. (the Kirk-place and Kirk-zaird* being only excepted)."

These lands comprehend the portion of Meadow Road to the north of the "Howff" and the properties on the north side of Meadow Road, and extend from Constitution Road on the west eastward to the foresaid portion of land conveyed by Sir JAMES SCRYMGEOUR. In short, with Sir JAMES SCRYMGEOUR'S portion and the portion of the adjoining Meadow bought by the Town from JOHN BARRY, sometime called "Donald Litstar's Medow," comprehending nearly all that was more recently known as the Meadows, and lying between Constitution Road on the west, Bell Street on the north, and Meadowside Road on the east and south sides.

No. 270. of Inventory. And by Disposition, dated 27th April, 1752, by JOHN MILNE, on behalf of the Hospital Patrons, to the Town of Dundee, for the sum of £931 6s. 8d. Scots of a price (being twenty-two years' purchase of the lands) the Hospital Patrons conveyed to the Town All and Haill these acres or butts of land lying in the East Chapelshade on the north side of the Town's Meadows, adjacent to the Well called St. Francis' Well, all as therein bounded and described. This land with what formerly belonged to the Town comprehended all within the foresaid boundaries known as the Meadows,—the site of old St. Francis' Well being immediately to the west of the High School boundary.

In the various legal proceedings between the Presbytery of Dundee and the Town Council an Action of Reduction, Declarator, and Count and Reckoning was raised in December 1862 by the Presbytery against the Town Council and the Trustees for the Town's Creditors under the Trust then existing, to have it declared that the Town's Meadows to the north of Meadow Road, and the portion of the lands sometime belonging to the Franciscan Friars, and afterwards forming part of the property of the Hospital, situated to the north of the Meadow Road, in so far as not conveyed by the Disposition before-mentioned by JOHN MILNE, then Master of the Hospital, should be declared to belong to the Hospital. This claim comprehended the whole grounds known as the Meadows, with the exception of the portion conveyed by Sir JAMES SCRYMGEOUR, as aforesaid, and the lands comprehended in the said Disposition by the Hospital Master, and gave rise to many difficult questions of boundaries. By the settlement of these Actions, and the consequent Churches Act of Parliament in 1864, all these questions were set at rest, and the Town's rights to the Meadows made perpetual by the fifteenth section of that Act, as follows:—"15. And whereas the foresaid Trust for the Creditors of the Town of Dundee has now been extinguished, and the Town Council has been re-invested in the several Properties and Funds held under the said Trust,—the Portion of the Meadows of Dundee which formed the subject of the Action of Reduction, Declarator, and Count and Reckoning, at the instance of the Presbytery against the Trustees for the Creditors of the Town and the Town Council, as hereinbefore recited, shall be held

* The "Howff."

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to have been, and so far as not already sold or feued, to be hereafter the Property of the Town Council, as Part of the Common Good of the Burgh of Dundee, and held by them under the Charters of King JAMES the Sixth and King CHARLES the First hereinbefore recited, freed and disburdened of the said Trust, anything in the said Agreement to the contrary notwithstanding."]

W. H.

No. 75. of Inventory. *Charter of Confirmation and Novodamus by King* JAMES VI. *to the Town of Dundee, dated 16th January, 1601.*

[This Charter confirms the Charters by King JAMES II. and King JAMES IV., also the Charters by King ROBERT II. to PATRICK DE INVERPEFFIR of the Third part of the Lands of Craigie, and the Charter by Queen MARY, dated 15th April, 1567, of the Church Lands and Properties.

The Charter itself is again confirmed and renewed and extended by the latest Charter of the Burgh by King CHARLES I. in 1641, which is printed at length. It will not therefore be necessary to print the whole of the Charter of King JAMES. The following Excerpts, however, are given, with translations.]

JACOBUS, Dei gratia Rex Scotorum, Omnibus probis hominibus totius terre sue, clericis et laicis, salutem. SCIATIS NOS post nostram perfectam etatem omnesque nostras revocationes generales, RATIFICASSE, APPROBASSE, et pro nobis et successoribus nostris, pro perpetuo CONFIRMASSE, Cartam factam et concessam per quondam nostrum charissimum proavum regem JACOBUM Quartum bone memorie post ejus perfectam etatem, et specifice decimo nono die mensis Martii anno Domini millesimo quingentesimo undecimo, et regni sui vigesimo quarto sub magno sigillo in favorem Burgi nostri et Burgensium de Dundie, in se continen. expressam ratificationem, approbationem et confirmationem quinque evidentiarum et cartarum in eadem specificat. et insert. fact. per nostros nobilissimos predecessores super libertatibus predict. Burgi; Quarum prima facta fuit per quondam ROBERTUM Scotorum regem, constituendo suum Cancellarium et Camerarium ejus locum-tenentes ad recognoscendum libertates, quas Burgenses dicti Burgi de Dundie habuerunt seu possi-

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derunt tempore quond. ALEXANDRI Scotorum regis sui predecessoris, et ad retornandum super eisdem ; Secunda evidentia super recognitis et inventis coram dict. Cancellario et Camerario penes libertates prenominati burgi et burgensium ejusdem; Tertia carta, facta per dictum quond. Regem ROBERTUM prenominatis burgensibus et eorum successoribus super omnibus libertatibus et juribus, qui habuerunt et possiderunt tempore quond. GULIELMI regis Scotorum, et priusquam dictus quond. Rex GULIELMUS prefat. burgum quond. DAVIDI suo fratri donavit, et super omnibus immunitatibus et consuetudinibus, cum libero foro et nundinis quibus utebantur tempore quond. ALEXANDRI Scotorum regis, et super certis aliis donationibus libertatum et privilegiorum eis concessis et in dicta carta particulariter expressis; Quarta carta, facta per quond. DAVIDEM regem Scotorum, dando et ad feodifirmam dimittendo prefatis burgensibus et communitati de Dundie dict. burgum cum pertinen. tenenda eisdem burgensibus et eorum successoribus in perpetuum, cum molendinis, aquis, piscariis, minutis custumis, tolloneis, curiis, ponderibus, mensuris, libero portu, foro, nundinis, omnibusque aliis et singulis libertatibus et priveligiis in eadem carta specificatis ; Quinta carta, per dictum quond. DAVIDEM Scotorum regem super inhibitione fororum apud Cowpar, vel in quibusvis aliis locis in prejudicium dicti Burgi ; In omnibus earund. punctis articulis et clausulis, omniaque alia et singula antiqua infeofamenta, privilegia libertates et possessiones que et quas dictus Burgus et Burgenses ejusdem habuerunt et utebantur, et de quibus in usu et possessione fuerunt, et specialiter de eorum minutis custumis, portubus lie pier proficuis, privilegiis et devoriis earundem et de eorundem foris et nundinis, proclamationibus tolloniis, custumis, et devoriis earundem, salmonem piscationibus, retibus, cymbolis lie cobillis, molendinis, multuris tam frumenti quam polenti, cum privilegio et potestate de novo construendi, habendi et tenendi infra dictum Burgum et libertatem ejusd. molendina, aquatica et ventosa, cum arcubus, aqueductibus et aggeribus et aquarum passagiis, omnibusque aliis privilegiis et libertatibus dictum Burgum et portum ejusd. . . .

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Ac etiam ratificavimus, approbavimus, et confirmavimus, tenoreque presentis carte nostre ratificamus, approbamus, et confirmamus alias particulares cartas et evidentias subsequentes; viz.—Cartam factam per quondam Robertum Regem Scotorum, octavo die mensis Maii, et regni sui anno octavo, quondam Patricio de Innerpeffer, de tota et integra tertia parte terrarum de Craigie, cum piscariis ceterisque suis pertinentiis, jacen. in baronia de Dundie, infra vicecomitatum nostrum de Forfar, super resignatione quondam Alexandri Scrymgeour, constabularii de Dundie penes superioritatem, et quondam Walteri de Balmossie penes proprietatem prefate tertie partis dict. terrarum: Tenen. de nobis et nostris successoribus pro servitio usitato et consueto: Dando liberam et specialem licentiam predicto quondam Patricio de Innerpeffer ad mortificandam dictam tertiam partem prefat. terrarum de Craigie, et eandem ad manum mortuam disponendam cuicunque loco, vel quibuscunque locis, persone vel personis quibus sibi videbatur expediens; volentes, pro se et suis heredibus, quod dicta tertia pars prefat. terrarum, post prefatam mortificationem et ad manum mortuam traditionem, remanebit libera et quieta tanquam terra elemosinaria ab omni exactione et servitio seculari omni tempore affuturo; una cum mortificatione ejusdem postea facta capellanie beate Marie in ecclesia Sancti Clementis, infra oppidum de Dundie, et jure dicte capellanie et superioritate predicte tertie partis terrarum de Craigie, et integris suis proficuis omnibusque aliis terris tenementis et annuis redditibus ad dictam capellaniam beate Marie et ecclesiam Sancti Clementis pertinentibus ubicunque jacen. sive in burgo, sive in rure, nunc in personis prefatorum prepositi, ballivorum, consulum, et communitatis Burgi de Dundie, cum eis et eorum successoribus pro perpetuo remanendis. Et similiter cartam confirmationis concessam per quond. Regem Jacobum secundum sub suo magno sigillo secundo die mensis Septembris anno Domini millesimo quadringentisimo quinquagesimo octavo, Ratificando, approbando, et pro se et suis successoribus pro perpetuo confirmando Indenturam factam inter prepositum, ballivos et burgenses prefati burgi de Dundie ex

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parte una, et quondam JACOBUM SCRYMGEOR ejus vexillatorem ex parte altera, decimo tertio die mensis Augusti anno Domini millesimo trecentesimo octuagesimo quarto. . . . . Et ultimo, unam Cartam factam per quondam nostram charissimam matrem MARIAM, Dei gratia Scotorum Reginam, cum avisamento Dominorum sui secreti Consilii, Dando, Concedendo, Disponendo, et pro se et suis successoribus pro perpetuo Confirmando supradictis preposito, ballivis, consulibus, communitati, et eorum successoribus, omnes et singulas terras, tenementa, domos, edificia, ecclesias, capellas, hortos, pomeria, croftas, annuos redditus, fructus, devoria, emolumenta, firmas elymosinas lie daill-sylver, obitus, et anniversaria quecunque, quæ pertinuerunt vel pertinere dinoscentur quibuscunque capellaniis, alteragiis, seu prebendis, in quacunque ecclesia, capella, vel collegio, fundatis infra libertatem prefati Burgi de Dundie per quemcunque patronum, de quibus dicti capellani et prebendarii perprius in possessione fuerunt ubicunque jacen. vel tenebantur respective; cum maneriebus, pomeriis, terris, annuis, redditibus, emolumentis et devoriis quibuscunque, que perprius, pertinuerunt fratribus Dominicis, predicatoribus, Franciscanis, et Monialibus lie Gray-sisteris, predicti Burgi de Dundie; una cum omnibus et singulis terris, domibus, et tenementis jacen. infra eundem Burgum et libertatem ejusdem, cum omnibus annuis redditibus de quibuscunque domibus, terris, et tenementis infra dict. Burgum, dotatis et fundatis quibuscunque capellaniis, alteragiis, ecclesiis, mortuariis, vel anniversariis, ubicunque jacen. infra regnum nostrum; et cum omnibus et singulis annuis redditibus aliisque devoriis usitatis, vel qui per quamcunque aliam ecclesiam extra libertatem prefati Burgi a preposito et ballivis ejusdem de eorum communi redditu pro suffragiis celebrandis peti poterint, cum earundem pertinen. omnibus unitis et incorporatis in unum corpus, Fundatio Ministerii et Hospitalitatis de Dundie vocandum.

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TRANSLATION OF THE FOREGOING EXCERPTS FROM CHARTER OF KING JAMES VI.

JAMES, by the Grace of God King of Scots, to all good men of his whole territories, clergy and laity, greeting. KNOW YE that we, after our perfect age and all our general revocations, have RATIFIED, APPROVED, and for us and our successors have perpetually CONFIRMED a Charter granted by the late JAMES the Fourth, of blessed memory, dated the nineteenth day of March in the year of our Lord one thousand five hundred and eleven, and twenty-fourth year of his reign, in favor of the Burgh and Burgesses of Dundee, containing an express ratification, approval, and confirmation of the writs and charters therein specified and inserted made by our most noble predecessors, of the liberties of the said Burgh; of which the first was a Writ granted by the late ROBERT, King of Scotland, constituting his Chancellor and Chamberlain of the realm in his name to examine into the liberties which said Burgesses had or possessed in the time of ALEXANDER, King of Scotland, and his predecessors, and a return thereof by the said Chancellor and Chamberlain on evidence taken of the liberties and privileges which were possessed by the said Burgesses and Burgh of Dundee; also a Charter (dated 4th March, 1327) granted by the said King ROBERT, renewing to the said Burgesses and their successors all the rights and liberties which they had and possessed in the reign of WILLIAM the First, King of Scotland, and before the said WILLIAM had given the said Burgh to his brother DAVID, and with all the immunities and customs, with free market and fairs, which they held in the time of ALEXANDER, King of Scotland, and with certain other grants, liberties, and privileges as in the Charter are particularly expressed; also the Charter granted by DAVID, King of Scots, granting to the Burgesses and their successors the said Burgh and its privileges and pertinents, and with the special powers and privileges of merchandise therein mentioned. . . . . Also confirming the following particular Charters, viz.—a Charter granted by ROBERT (II.),

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King of Scotland, dated eighth May, in the eighth year of his reign, to PATRICK OF INVERPEFFER of all and whole the third part of the lands of Craigie, with the fishings and other pertinents, lying in the barony of Dundee and Sheriffdom of Forfar, at one time resigned by the late ALEXANDER SCRYMGEOUR, Constable of Dundee, sometime superior, and of WALTER OF BALMOSSIE, sometime proprietor of the said third part of land: Holding of us, and our successors, for service of Burgh use and wont: And the special license to the said PATRICK OF INVERPEFFER to mortify said third part of land of Craigie as he should think fit, and for his heirs and successors to hold the said Mortification for such purpose, in full of all exaction and secular service; with the Mortification of the same afterwards made and granted to the Chaplainry of St. Mary in St. Clement's Church of Dundee, and the Chaplainry hold the superiority of the said third part of the lands of Craigie.—[The *dominium utile* of the lands as specified had been feued by the Chaplain, as already shewn, prior to the date of this Charter, and the superiority was only then held.]—And also all other lands, tenements, and annual rents belonging to or held by the said Chaplainry of St. Mary and Church of St. Clement, with the pertinents, wherever situated in Burgh or landward, in the persons of the Provost, Bailies, and Council of the Burgh of Dundee, and their successors, for ever. . . . . And lastly, a Charter made by our late beloved mother MARY, by the Grace of God Queen of Scots, with the advice of her secret Council, giving, granting, and for herself and her successors for ever confirming to the before-named Provost, Bailies, Council, Community, and their successors, All and Singular lands, tenements, houses, buildings, churches, chapels, yards, orchards, crofts, annual rents, fruits, duties, emoluments, eleemosynary farms (the "daill sylver") accustomed and termly, whatever, which belonged or were known to belong to any chaplains, alterages, or prebends in any church, chapel, or college founded within the liberty of the said Burgh of Dundee by any patron, of which the said chaplains or prebends were hereto-

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fore in possession, wheresoever they be or were levied respectively, with the manors, orchards, lands, annual rents, emoluments, and duties whatever which heretofore belonged to the Dominican and Franciscan Friars and Monks, the Gray Sisteris of the said Burgh of Dundee, together with All and Singular houses and tenements lying within the said Burgh and liberty thereof, with all annual rents out of whatever lands and tenements within the said Burgh given and founded to any chaplains, alterages, churches, mortifications, or anniversaries, wherever they be within our Kingdom, and with all and singular annual rents and other usual duties, or which can be asked by any other church without the liberty of the said Burgh from the Provost and Bailies of the same out of their common rent for celebrating public prayers, with all the pertinents thereof, to be united and incorporated in one body to be called the foundation of the Ministry and Hospital of Dundee.

This Royal Charter was Confirmed by Parliament in 1606, as follows:—

OUR Soverane Lord, with advyse of the Estates of this p̄nt Parlement, Remembering the trew and thankful service done to his Maj^{tie} be the Provost, Baillies, Counsal, and Communitie of the said Bur^{t} of Dondei, has ratified, approvit, and confirmit the Charter maid and grantit be our Soverane Lord, under his heiness great Seal, To the saidis Provost, Bailies, Council, and Community, In all and sundrie points, heidis, articles, clauses, circumstances, and conditions expressit and contenit in the foresaid Chartoris, with the haill jurisdictions, liberties, salmond feishings, mylnes, myln lands, customis, dueties, privileges, and immunities thairin mentioned, as well by water as by land, with the ports and havenis and herberis of the said Burgh; and also, for his heiness and his successors, Willis, decernis, and declaris that the foresaid Charter, with the *Precept* and *Instrument* following thereon, has been continuallie, fra the

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Sixth.

URE the burgh of Dundie and vtheris his maiesteis liegis within
this chippis, laidnyngis, and gudis vpoun and within the rever of
raidis yse the greit multitude alsueill of pepill as of schippis, boitis,
ris and greit quantitie of sand and vther impedimentis in the ground
rof, ua that gif sum remeid be not provydit, thair wilbe na suirtie
her for of Dundie: And his maiestie vnderstanding that the provest,
llies, an ne, fra forane nationis, ane great nomer of twnis and meathes
hilkis th ill for pepill as for schippis, boitis, and guidis repairing within
said re , for the commoun weill and vtilitie of the said burgh, and to
effect t d and outred, ordanis ane lettre to be maid vnder the previe
ll in dev communitie of the said burgh of Dundie, present and to cum,
rpetualli sit be the thesaurare of the said burgh for the tyme, or sic
llectouris wn of guidis transportit be sey within the said rever of Tay,
elf penny npost or exactioun to be vpliftit and taikin fra the awneris of
he guidis is; and the third pairt of the samyn to be vpliftit and taikin
fra the aw ertenyment and vphald of the saidis twnis and meathes to be
placit thai thair thesaurare in thair names, and vtheris thair officiaris,
servandis, induring the space foirsaid, to be imployit to the effect abone
mentionat ; and that the said lettre be fordar extendit, in dew forme,
with all cl rineris, inhabitantis, and induelleris within the said burgh of
Dundie, a her natioun resortand or repairand to the said port, harberie,
raid and h ak thankfull payment to the saidis provest and baillies, thair
thesaurare impost or exactioun abone writtin; and all vtheris thingis
requisite i me in executioun of thir presentis and vptaking of the samyn
dewteis to direct lettres of poinding or horning vpoun ane simple charge
of sex day : Subscryuit be oure said souerane Lord at the

JAMES *R.*

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date thairof, qlk was upone the 16 day of Januar, the year of God 1601, is presentlie, and sall be in all tyme coming, ane perfect and sufficient infeftment, richt, and securitie to the said Provost, Baillies, Counsel, Burgess and Communitie of the said Burt, and successors, for bruiking and enjoying of the said lands, mylns, myln lands, multures, salmon fishings, annual rents, chaplainries, alterages, advocation and donation of benefices, customis, deuties, jurisdictions, liberties, privileges, immunities, ports, havines, herberis, and utheris quhatsomever, alswell ꝯallie, as speciallie expressit and contenit in the said Charter, and Willis and grantis that this ꝑnt Confirmation sall be of als great faith, force, and effect as gif the foresaid Charter were word be word engrossit therein.

No. 71. of Inventory. *Writ and Warrant by King* JAMES VI., *authorizing a Charter to be granted in favor of the Town and Community of Dundee for levying Shore Dues and Customs for repairing Harbour, &c., dated in the year 1580, and bearing the King's Signature.* (A Simile is given.)

No. 92. of Inventory. *Extract of Registered Commission to the Provost and Bailies of Dundee as Admirals-Depute of the Tay, from Broughty Ferry to Perth, dated 21st August, 1641.*— (Excerpts.)

BE it kend till all men by thir present letters, We, JAMES, Duek of Lennox and Richmond, Earl of Darnley and Norisse, Lord Torboltoune, Methven, and St. Andrewis, Great Chamberlain, and Admiral of the Kingdom of Scotland and Seas thereof: That, for as much as we understanding perfectly the good, true, and lawful service done to us and our predecessors from tyme to tyme by our trustie and well-beloved the Provost and Bailleis of the Burgh of Dundie, Therefore, and for the like services to be performed by

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them to us and our successors as occasions sall offer, To have made, constitutit, and ordainit, and lykeas we by thir presents make, constitute, and ordain the said Provost and Bailleis of the said Burgh of Dundie, and their successors the Provost and Bailleis thereof, present and to come, conjunctlie and severallie, and their substitutes, due, lawful, and undoubtit Admirall-Deputts within the said Burgh of Dundie, Port and Harbour thereof, and within the haill boundis, portis, creekis, and harboris, as well by sea as land, ffra Bruchtie, on the north side of the water of Tay, and the fferrie-Partin-Craig on the south syde yairof, westward to the Burgh of Perth, and that during our will and pleasure, allenarlie and aye, and until they be dischargit by us and our heirs and successors; and gives and grants to them the said office of Admiraltie within the boundis and as above prescribed, with all fees, casualties, privileges, and immunities pertaining and belonging thereto: With full poware to the said Provost and Bailleis of the said Burgh of Dundie, and their successors foresaid, to substitute Deputies under them in the said office, and may affix, affirm, hold, and continue Admiralty Courts as oft as need beis: And to that effect, clerkis, serjandis, and dempsteris, and all the members of Court needful, to elect and choyse, and for whom, and their due administration, the said Provost and Bailleis sall be halden to answer, and to call and summon before them all the boatmen and ferriers, from both y^{e} sydes of y^{e} said water of Tay, to fix dues, acts, and symbols, to the said boatmen and ferriers, as they shall think expedient,—(all for the purposes and with the effect contained in the Commission, and with full power of the Court of Admiralty).

Dated 21st August, 1641, and recorded in the Books of the Court of Admiralty 16th March, 1642.

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No. 93. of Inventory. *Charter of Confirmation and Novodamus by King* CHARLES I. *to the Town of Dundee, dated 14th September, 1641.*

CAROLUS, Dei gratia, Magnae Britanniae, Franciae, et Hiberniae, Rex, Fideiq. Defensor, OMNIBUS probis hominibus totius terrae suae, clericis et laicis, SALUTEM: SCIATIS NOS, cum express. avisamento et consensu Dominorum Commissionariorum pro nostro Thesaurario, ac dilecti nostri familiaris Consiliarii, Domini JACOBI CARMICHAEL de eodem, militis Baronetti, nostri Thesaurarii deputati, ac reliquorum Dominorum nostri Scaccarii hujus regni nostri Scotiae, nostroroum Commissionariorum, RATIFICASSE, APPROBASSE, et hac presenti Carta nostra CONFIRMASSE, tenoreque ejusdem RATIFICARE, APPROBARE, ac pro nobis et successoribus nostris pro perpetuo CONFIRMARE omnes et singulas Cartas, Infeofamenta, Evidentias, Jura, et Securitates, fac. dat. et concess. per quondam nostrum charissimum Patrem JACOBUM Dei gratia Regem Sextum dignissimae memoriae, vel per quondam MARIAM Reginam, vel per quondam JACOBOS Reges, Quintum, Quartum, Tertium, Secundum, Primum, nostros predecessores dignissimae memoriae, vel per quoscunque alios nostros predecessores, Scotorum Reges, Dilectis nostris Praeposito, Ballivis, Consulibus, et communitati Burgi nostri de Dundee, et eorum successoribus de eodem Burgo de Dundee, ac de libertatibus, privilegiis, immunitatibus, tolloniis, custumis, divoriis, foris, nundinis, molendinis, piscariis, portubus, lie *peir* et *schoir* proficuis, aliisque divoriis ad dictum nostrum Burgum spectan. in particularibus Cartis, Infeofamentis, aliisq. securitatibus, per dictum quond. nostrum charissimum Patrem dignissimae memoriae, seu per quoscunq. alios nostros predecessores, Scotiae Reges, ipsis desuper confect. contentis et mentionatis; ET NOMINATIM, absque praejudicio generalitatis dict. Cartarum, Infeofamentorum, Jurum, et Securitatum supra script. particulares Evidentias subtus mentionatas, viz. COMMISSIONEM, seu Procuratoriam, fact. et concess. per quondam ROBERTUM, Scotorum Regem, constituen. et nominan. suum Cancellarium et Camerarium suos Locum tenentes ad

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revisand. et recognoscend. libertates, quas Burgenses dicti nostri Burgi de Dundee habuerunt seu possiderunt, tempore quondam ALEXANDRI, Scotorum Regis, predecessoris sui, et ad reddendum responsionem dicto quondam ROBERTO Regi, secundum evidentiam super recognitis et inventis per ipsos concernen. eadem—de data vigesimo secundo die mensis Junii, et regni dicti quond. ROBERTI Regis anno vigesimo; AC DECLARATIONEM et RECOGNITIONEM fact. per dictum Cancellarium et Camerarium dicto quondam ROBERTO Regi, libertatum et privilegiorum per ipsos invent. dicto Burgo nostro de Dundee, per dictum quond. ALEXANDRUM Regem, ejusq. predecessores Scotorum Reges disposit.—de data Anno Domini millesimo trecentesimo decimo quinto. CARTAM fact. per dictum quond. ROBERTUM Regem dictis Burgensibus de Dundee, eorumq. successoribus, omnium libertatum et jurum quae habuerunt et possiderunt tempore quondam WILLIELMI, Scotorum Regis, et quae dictus quondam WILLIELMUS, perprius quondam DAVIDI, suo fratri, ejusd. Burgi de Dundee, ac immunitatum et custumarum, cum libero foro et nundinis per ipsos usitat. tempore dicti quondam ALEXANDRI Regis, ac de quibusdam aliis donationibus, libertatum et privilegiorum ipsis concess. et particulariter in dict. Carta express.—de data quarto die mensis Martii, et regni dicti quondam ROBERTI Regis anno vigesimo secundo. ALTERAM CARTAM factam per quond. DAVIDEM, Scotorum Regem, conceden. et ad feudifirmam dimitten. dictis Burgensibus de Dundee, dict. Burgum cum suis pertinen. et specialiter cum potestate ipsis compellere omnes inhabitantes in dicto nostro Burgo, qui resortabant ad fora dicti nostri Burgi de Dundee, cum Burgen. ejusd. contributiones cum caeteris Burgensibus dicti nostri Burgi persolvere, pro eorum supportatione, auxilio, et relevamine onerum super dictum Burgum imponen.; necnon volen. et conceden. quod nullus inhabitans infra Vicecomitatum nostrum de Forfar emat lanas, pelles, vel coria, praeter Burgenses dicti nostri Burgi de Dundee, et illos qui libertatem easdem emendi ipsis concess. habuerunt, per jura et securitates ipsis, per dict. quond. DAVIDEM Regem, seu ullos alios ejus

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predecessores, desuper concess.—de data vigesimo die mensis Januarii, et regni dicti quond. DAVIDIS Regis anno trigesimo. ALIAM CARTAM factam per dictum quondam DAVIDEM, Scotorum Regem, inhiben. omnia fora apud Burgum nostrum de Cowper, seu in quibuscunq. locis, in praejudicium dicti nostri Burgi de Dundee, ac ratifican. et approban. omnia et singula antiqua infeofamenta, privilegia, libertates, et possessiones, quae dict. noster Burgus de Dundee, et Burgen. hujusmodi, habuerunt et utebantur, et quorum in usu et possessione fuerunt, et specialiter de eorum minutis custumis, portubus, lie *peir* seu *schoir* proficuis, privilegiis, et divoriis earundem, aliisq. ad longum in dicta Carta mentionat.—de data quinto die mensis Martii, et regni dicti quondam DAVIDIS regis anno vigesimo tertio. CARTAM CONFIRMATIONIS, factam per quondam JACOBUM Dei gratia Regem quartum dignissimae memoriae, Burgensibus, et dict. Burgo nostro de Dundee, ratifican. et approban. praedict. quinque Evidentias et Cartas particulariter supra mentionat. in omnibus punctis, capitibus, clausulis, articulis, et privilegiis earund. ac omnia alia et singula antiqua infeofamenta et privilegia ipsis praedict. Burgi concess.—de data decimo nono die mensis Martii, Anno Domini millesimo quingentesimo undecimo. CARTAM fact. per quond. nostrum charissimum Patrem, dignissimae memoriae, in favorem dict. Praepositi, Ballivorum, Consulum, Communitatis, et Burgen. dicti nostri Burgi, eorumque successorum, ratifican. approban. et confirman. praedict. Cartam Confirmationis, ipsis per dictum quond. JACOBUM Regem Quartum concess. et quasdam alias Cartas et Infeofamenta ad longum inibi mentionat.; et virtute cujus, dictus quond. noster charissimus Pater de novo DEDIT, CONCESSIT, DISPOSUIT, et CONFIRMAVIT, praefatis Praeposito, Ballivis, Consulibus, et communitati dicti nostri Burgi de Dundee, eorumque successoribus, TOTUM et INTEGRUM praedict. Burgum nostrum de Dundee, cum omnibus terris, tenementis, et annuis redditibus, jacen. infra eund. Burgum et territorium ejusd.; ac OMNIA et SINGULA privilegia et immunitates hujusmodi de quibus ipsi suique predecessores ullo tempore praeterito in possessione fuerunt; unacum

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minutis custumis, portubus, lie *peir* proficuis et divoriis, ac cum tolloniis, custumis, et divoriis fororum et nundinarum dict. nostri Burgi, solit. et consuet.; cum immunitatibus, privilegiis, et libertatibus aquae de Tay, oneratione et exoneratione navium et cymbarum, ad quamlibet partem dict. aquae ubi iis placuerit, ex utroque latere ejusd. ab ostiis torrentis vulgo vocat. lie *Burnemouth* de *Innergowrie* ex occidentali, ad locum qui vocatur lie *Gaw* de *Barrie* ad orien. ex boreali latere praefatae aquae de Tay, et a loco ubi monasterium de Balmerinoch situatum fuit ad occidentem, ad arenas quae vocantur *Drumla Sandis* ad orien. ex australi latere ejusd. aquae de Tay; cum potestate negandi et impediendi alios ab omni oneratione et exoneratione quarumcunque navium vel cymbarum in illa parte praedictae aquae, infra praenominatas bondas, et levandi et recipiendi omnes minutas custumas, et anchoragias, lie *schoir silver*, aliasque divorias, infra praescript. bondas, adeo libere in omnibus respectibus sicuti Burgus de Edinburg. levat apud Burgum de Leith, et ut levatur per quemcunque alium liberum Burgum Regalem, vel quascunque alias personas apud quoscunque portus marinos infra dict. Regnum nostrum; ac etiam levandi duodecim denarios de omnibus doliis vulgo lie *tun*, bonorum intrand. in quacunque nave, cymba, vel alio vase infra ostia praedict. aquae de Tay, et de ead. disceden. omnibus temporibus futuris, et applicandi dict. novam impositionem duodecim denariorum ex omnibus doliis vulgo lie *tun* praefat. bonorum pro erectione doliorum, metarum, et signorum, super dict. loco vocat. lie *Gaw* de *Barrie*, et super dict. arenas vocat. lie *Drumla Sandis*, et pro sustentatione eorund. doliorum, metarum, et signorum pro perpetuo, in posterum, ad ostendend. et demonstrand. pericula et profunditates undarum omnibus navigantibus ad ostia vel ab ostiis dictae aquae de Tay frequentantibus, pro salute eorum navium, cymbarum, et bonorum; AC ETIAM salmonum piscarias, aliasque piscationes, ex boreali latere dict. aquae de Tay, inter dict. ostia torrentis de Innergowrie vulgo vocat. *the Burnmouth of Innergowrie* ad occiden. et saxum vocat. lie *Kilcraig* ad orien.; una etiam cum duobus molendinis

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castralibus, et molendino ventoso, aedificat. et situat. infra praedictum Burgum, libertatem et territorium ejusd. et cum astrict. multuris et sequelis, vulgo lie *knaveships*, omnium frumentorum, polentorum, siliginum, pisarum, avenarum, aliorumque granorum quorumcunque, ad inhabitantes dicti Burgi, omnesque alios deportantes eorum grana molenda apud dict. molendina, eorumve quodlibet, pertinen. ; cum libertate et privilegio etiam aedificandi, habendi, et tenendi, infra dict. Burgum et libertatem ejusd. plura molendina aquatica et ventosa, cum aggeribus, aquaeductibus, et domibus iisd. corresponden. pro communi utilitate dicti Burgi ; AC commune pratum jacen. ex boreali latere viae vocat. lie *Murraygate* dicti Burgi ; omnibusque aliis viridariis, pratis, maresiis, et moris ad dict. Burgum et libertatem ejusd. pertinen. et de quibus dict. Praepositus, Ballivi, Consules, et communitas, et eorum predecessores, possessionem habuerunt temporibus retroactis : ET SIMILITER superioritatem tertiae partis terrarum de *Craigie*, cum capellana beatae Mariae, fundat. infra ecclesiam Sancti Clementis, et omnes terras, tenementa, et annuos redditus ad dict. capellanam et ecclesiam pertinen. ; unacum dicta ecclesia vocat. *St. Clement's Kirk*, omnibusq. et singulis praedict. terris, tenementis, domibus, aedificiis, ecclesiis, capellis, hortis, pomariis, croftis, et annuis redditibus, quae perprius pertinuerunt Fratribus predicatoribus Dominicis, minoribus et Franciscanis, et quibuscunque aliis Fratribus Moncalibus, Capellanis, et Prebendis ; cum locis et maneriebus dict. Fratrum Moncalium, Capellanorum, et Prebendariorum, fundat. infra dict. Burgum et territorium ejusd. : ET CUM plena et libera potestate tenendi Curias pro justitiae administratione, et transgressorum punitione, secundum qualitates eorum offensionum, juxta leges et praxin dicti Regni nostri ; et levandi exitus, amerciamenta, et escheatas dict. Curiarum, cum bludewitis, quoties contigerint, et ead. ad rempublicam dicti Burgi applicandi et disponendi : ET SIMILITER habendi Decanum Gildae, et Gildae Consilium, et utendi et exercendi jurisdictionem ejusd. infra dict. Burgum, secundum tenorem Acti Parliamenti desuper confect. : AC ETIAM

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levandi et recipiendi, pro purgatione plateae et locorum fori dicti Burgi, de quolibet onere lie *load* victualium et salis quod contigerit deportari, vel ad forum vel ad quascunque domos aut alia loca infra dictum Burgum, vendendo, unum lie *ladlefull*, juxta antiquam consuetudinem et usum (quae nunc, per decretum Dominorum Consilii, commissionem a Statibus Parliamenti ad hunc effectum haben. anno Domini millesimo sexcentesimo trigesimo tertio, restringitur et reduct. ad dimidium lie *lippie*, prout dict. decretum, de data apud Halyruidhouse, vigesimo sexto die mensis Septembris, anno Domini millesimo sexcentesimo trigesimo tertio, latius proportat); et pro quolibet onere lie *load* piscium unum denarium; et pro quolibet onere ovium, boum, botiri, vel ovorum, unum denarium; de quolibet equo soluto stante in via, post exonerationem sui oneris, unum denarium; et alias similes custumas usitat. et consuet.; ET virtute cujus dict. quond. noster charissimus Pater DEDIT, CONCESSIT, et DISPOSUIT dict. Praeposito, Ballivis, Consulibus, et communitati dicti Burgi nostri de Dundee, eorumq. successoribus in perpetuum, TOTAM et INTEGRAM vicariam ecclesiae et parochiae de Dundee, cum omnibus et singulis fructibus, redditibus et emolumentis quibuscunque, ad dict. vicariam pertinen. intromittend. levand. et percipiend. per dict. Praepositum, Ballivos, Consules, et communitatem. eorumq. successores, factores, et camerarios, de croppa et anno Domini millesimo et sexcentesimo, ac deinceps annuatim et terminatim; et applicand. pro sustentatione Ministrorum curam apud dict. ecclesiam de Dundee inservien. et intertinemento pauperum infra nosocomium ejusd. residen.:—TENEN. de dict. quond. nostro charissimo Patre, et successoribus suis, prout in dict. Carta desuper confect. latius continetur; UNACUM PRECEPTO et INSTRUMENTO SASINAE super dicta Carta sequen.; UNA ETIAM cum particularibus Cartis, Infeofamentis, Juribus, et Securitatibus in ead. mentionat. ac per eand. ratificatis et approbatis, fact. dat. et concess. per nos nostrosque predecessores, inibi content. praefatis Praeposito, Ballivis, Consulibus, et communitati dict. nostri Burgi de Dundee, eorumq. successoribus ejusd. Burgi nostri de Dundee, ac immunita-

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tum, privilegiorum, libertatum, tolloniarum, custumarum, divoriarum, fororum, nundinarum, molendinorum, piscariarium, lie *schoir duties*, aliorumque supra specificat. de datis et contentis in dicta Carta content.: UNA ETIAM cum omnibus et singulis aliis Cartis, Infeofamentis, Evidentiis, Juribus, et Securitatibus, fact. dat. et concess. praefatis Praeposito, Ballivis, Consulibus, et communitati dicti nostri Burgi, eorumq. predecessoribus, de omnibus et singulis libertatibus, privilegiis, et possessionibus, quae dict. Burgus de Dundee, et Burgenses ejusd. habuerunt et utebantur, et de quibus ipsi in usu et possessione sunt et fuerunt; necnon de omnibus et singulis custumis, proficuis, privilegiis, anchoragiis, tolloniis, piscariis, molendinis, multuris, divoriis, terris, decimis, aliisque supra specificat. ejusd. spectan. ac de prebendariis et capellanariis antedict. infra dict. Burgum situat. IN OMNIBUS et SINGULIS capitibus, clausulis, articulis, et conditionibus in dictis Cartis et Infeofamentis, specialiter et generaliter supra mentionatis, content. et specificat. secund. formas et tenores hujusmodi. SALVIS, tamen, et reservatis nobis nostrisque successoribus, Burgalibus divoriis, et servitiis Burgi, nobis et predecessoribus nostris, ante hanc presentem nostram Confirmationem, debit. et consuet. INSUPER, NOS, cum consensu antedict. VOLUMUS, CONCEDIMUS, ac, pro nobis et successoribus nostris, DECERNIMUS et ORDINAMUS, quod. dict. generalitas nullum damnum nec prejudicium inferret specialitati; nec specialitas ullo modo derogabit, aut prejudicabit generalitatem: et quod praesens nostra Confirmatio et Ratificatio omnium et singulorum premissorum, est et erit, omni tempore futuro, tanti valoris, roboris, efficaciae, et effectus, dict. Praeposito, Ballivis, Consulibus, et communitati dict. nostri Burgi, eorumque successoribus, pro gavisione et possessione dicti Burgi, aliorumque respective supra specificat. ac si omnia dicta Infeofamenta, Cartae, aliaeque Evidentiae, generaliter et specialiter supra mentionat. et eorum quodlibet, in hac praesenti Carta nostra ad longum verbatim inserta fuissent, non obstan. non insertione eorund. seu omissione hujusmodi; penes quae, omnesq. alios defectus, impedimenta, et objectiones quascunque, quae contra ead.

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et validitates hujusmodi opponi seu objici poterint, NOS, cum consensu praedicto, DISPENSAMUS in perpetuum. PRETEREA, NOS, cum consensu praedict. pro bono, fideli, et gratuito servitio, nobis et predecessoribus nostris per Burgen. et inhabitantes dict. Burgi nostri de Dundee prestito et impenso, ac diversis aliis bonis respectibus et considerationibus nos moven. DE NOVO DEDIMUS, CONCESSIMUS, DISPOSUIMUS, et, hac praesenti Carta nostra, CONFIRMAVIMUS, tenoreq. ejusd. de novo DAMUS, CONCEDIMUS, DISPONIMUS, ac pro nobis et successoribus nostris pro perpetuo CONFIRMAMUS dict. Praeposito, Ballivis, Consulibus, et communitati dicti nostri Burgi de Dundee, eorumque successoribus, TOTUM et INTEGRUM dict Burgum de Dundee, cum omnibus terris, tenementis, et annuis redditibus, infra eund. et libertatem ejusd. jacen. et cum omnibus et singulis privilegiis, libertatibus, et immunitatibus ejusd. de quibus ipsi eorumq. predecessores in possessione, ullo tempore praeterito, sunt et fuerunt; UNACUM minutis custumis, portubus, lie *pier* proficuis, privilegiis, et divoriis; ac cum tolloniis, custumis, et divoriis fororum et nundinarum dicti nostri Burgi, solit. et consuet.; CUM immunitatibus, privilegiis, et libertatibus aquae de Tay, oneratione et exoneratione navium et cymbarum, apud aliquam partem dict. aquae, prout iis licuerit, ex utroque latere ejusd. a dict. ostio torrentis de *Innergowrie* lie *Burnmouth* de *Innergowrie* ad occiden. ad locum qui vocatur lie *Gaw* de *Barrie* ad orien. ex boreali latere dictae aquae de Tay; et a loco ubi monasterium de *Balmerinoch* situat. fuit, ad occiden. ad dict. arenas vocat. *Drumla Sandis* ex orien. ex australi latere dictae aquae de Tay; cum potestate negandi et impediendi alios ab omni oneratione et exoneratione quarumcunque navium et cymbarum, in ulla parte praedictae aquae, infra bondas antedict. ac levandi et recipiendi omnes minutas custumas, anchoragia, lie *schoir silver*, aliasque divorias, infra bondas praedict. adeo libere in omnibus respectibus sicut Burgus de Edinburg. levat apud villam de Leith, et ut levatur per quemcunque alium liberum Burgum Regalem, vel quascunque alias personas, apud quoscunque portus marinos infra dict. Regnum nos-

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trum : ET ETIAM levandi duodecim denarios de omnibus doliis vulgo lie *tun* bonorum intrand. in quacunque nave, vel alia vase, infra ostia dictae aquae de Tay, et de eadem decedente, omnibus temporibus futuris, et applicandi dict. novam impositionem duodecim denariorum ex omnibus doliis vulgo lie *tun* dict. bonorum, pro erectione doliorum, metarum, et signorum, super dict. loco vocat. lie *Gaw* de *Barrie*, et super dict. arenis vocat. *Drumla Sandis*, et pro sustentatione eorund. doliorum, metarum, et signorum pro perpetuo, in posterum, ad ostendend. et demonstrand. pericula et profunditates aquarum omnibus navigantibus ad ostia vel ab ostiis dict. aquae de Tay frequentan. pro salute eorum navium, cymbarum, vitarum, et bonorum : AC ETIAM salmonum piscarias, aliasque piscationes, ex boreali latere dictae aquae de Tay, inter dict. ostia torrentis de *Innergowrie* vulgo vocat. *the Burnmouth of Innergowrie* ad occiden. et saxum vocat. lie *Kilcraig* ad orien. : UNA ETIAM cum duobus molendinis castralibus, et molendino ventoso, aedificat. et situat. infra dict. Burgum, libertatem, et territorium ejusd. toftis, croftis, domibus, aggeribus, aquaeductibus, aliisque privilegiis dict. molendinorum, usitat. et consuet. ac cum astrictis multuris, et sequelis, vulgo lie *knaveships* omnium frumentorum, polentorum, siliginum, pisarum, avenarum, aliorumq. granorum quorumcunque, ad inhabitan. praefati Burgi, omnesque alios deportan. eorum grana molenda apud dicta molendina, vel eorum aliquod, pertinen. ; cum libertate et privilegio etiam aedificandi, habendi, et tenendi, infra dictum Burgum et libertatem ejusd. plura molendina aquatica et ventosa, cum aggeribus, aquaeductibus, et domibus iisd. corresponden. pro communi utilitate dicti Burgi : AC commune pratum jacen. ex boreali latere viae vocat. lie *Murraygate* dict. Burgi ; omnibusque aliis viridariis, pratis, maresiis, et moris, ad dict. Burgum et libertatem ejusd. pertinen. et de quibus dict. Praepositus, Ballivi, Consules, et communitas, eorumq. predecessores, in possessione fuerunt ullo tempore praeterito : NECNON dict. superioritatem dict. tertiae partis terrarum de Craigie, cum capellana beatae Mariae fundat. infra ecclesiam Sancti Clementis, et

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omnes terras, tenementa, et annuos redditus, ad dict. ecclesiam et capellanam spectan.: UNACUM dict. ecclesia vocat. Sti. Clementis *Kirk*, omnibusq. et singulis praedict. terris, tenementis, domibus, aedificiis, ecclesiis, capellis, hortis, pomariis, croftis, et annuis redditibus, quae perprius pertinuerunt Fratribus praedicatoribus Dominicis, minoribus et Franciscanis, et quibuscunque aliis Fratribus Moncalibus, Capellanis, et Prebendis; cum locis maneriebus dict. Fratrum Moncalium, Capellanorum, et Prebendariorum, fundat. infra dict. Burgum et territorium ejusd.: ET CUM plena et libera potestate tenendi Curias pro justitiae administratione, et transgressorum punitione, secundum qualitates eorum offensionum, juxta leges et praxin dict. Regni nostri; et levandi exitus, amerciamenta, et eschaetas dict. Curiarum, cum *bludewitis* quoties contigerint, eademque ad rempublicam dict. Burgi applicandi et disponendi: ET SIMILITER habendi Decanum Gildae et Gildae Consilium, et utendi et exercendi jurisdictionem ejusd. infra dictum Burgum, secund. tenorem Acti Parliamenti desuper confect.: AC ETIAM levandi et accipiendi, pro purgatione plateae et locorum fori dicti Burgi, de quolibet onere lie *load* victualium et salis quod contigerit deportari, vel ad forum aut ad quascunque domos aut alia loca infra dict. Burgum, vendendo, ordinariam custumam pro eod. per dict. decretum Dominorum Consilii ordinat. extenden. ad dimidium lie *lippie* pro qualibet bolla dict. victualis et salis quae ad dict. Burgum veniet, et infra eund. ut dictum est, venditum fuerit, omni tempore futuro; et de quolibet onere piscium unum denarium; et pro quolibet onere ovium, boum, butiri, et pro oneribus, unum denarium; de quolibet equo soluto stante in via, post exonerationem sui oneris, unum denarium; et alias similes custumas usitat. et consuet.: NECNON TOTAM et INTEGRAM vicariam dict. ecclesiae et parochiae de Dundee, cum omnibus decimis, fructibus, redditibus, et emolumentis quibuscunque, ad dict. vicariam pertinen. intromittend. levand. et percipiend. per dict. Praepositum, Ballivos, Consules, et communitatem dicti Burgi, eorumq. successores, suosque factores et camerarios, de omnibus croppis, annis, et terminis

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futuris, et applicand. pro sustentatione Ministrorum curam apud dict. ecclesiam de Dundee inservien. (praeter et ultra Rectorem, qui suum stipendium et sustentationem habet de decimis garbalibus ecclesiae et parochiae de Dundee, ab habente assedationem seu haben. assedationes earund. durant. annis eorum assedationum), et intertinemento pauperum infra nosocomium ejusd. residen. : AC ETIAM NOS intelligen. communes redditus et patrimonium dicti Burgi adeo parvas et exiguas esse, quod cum dicta vicaria non sunt sufficien. pro sustentatione eorum communium operum, sumptuum, et expensarum, et pro sustentatione dict. aliorum Ministrorum praeter Rectorem, IGITUR NOS, ex nostro certa scientia, DONAMUS et DISPONIMUS praefato Burgo nostro de Dundee, unam minutam impositionem vinorum quatuor librarum, de quolibet dolio lie *tun* vini capiend. quod infra dict. Burgum ventatum* fuerit; cum potestate dict. Praeposito, Ballivis, Consulibus, et communitati dicti nostri Burgi, eorumq. successoribus, omni tempore futuro, ead. levandi, quae, per ipsos, et eorum successores, pro eorum sustentatione dict. aliorum Ministrorum, praeter Rectorem, curam apud dict. ecclesiam de Dundee inservien. applicabuntur, et sustentatione pauperum infra dict. nosocomium ejusd. residen. : AC SIMILITER domum ponderatoriam lie *weigh-house* dicti Burgi, cum omnibus privilegiis, custumis, casualitatibus, et divoriis, ad dict. lie *weigh-house* debit. et spectan. et ad mensuras ejusd. de quibus dicti Praepositus, Ballivi, Consules, et communitas dicti Burgi sunt et fuerunt in usu et possessione tempore praeterito; cum potestate dict. Praeposito, Ballivis, Consulibus, et communitati dicti Burgi, eorumq. factoribus et camerariis, eorum nominibus, dict. domum ponderatoriam lie *weigh-house*, et mensuras usitat. et usitand. infra eand. et integra privilegia eid. spectan. gaudere et possidere, ac colligere, levare, et intromittere cum custumis, casualitatibus dict. domo ponderatoriae et mensuris ejusd. antedict. debit. et spectan.; ET GENERALITER omnia alia et singula

* Sic in orig.

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necessaria, in omnibus et singulis praemiss. facere, uti, et exercere, simili modo, et adeo libere in omnibus respectibus, prout dict. Burgus noster de Edinburg. ullo modo faciunt et fecerunt. INSUPER NOS intelligen. dict. Burgum de Dundee primarium et principalem fore Burgum infra Vicecomitatum nostrum de Forfar, in quo est magna exercitatio mercaturae, et ad quem magna resortatio et reparatio est facta, et quod dum nuper Vicecomes dicti nostri Vicecomitatus sedebat et curias tenebat infra dictum Burgum nostrum, et eatenus considerantes eund. nostrum Burgum longe distantem jacere a Burgo nostro de Forfar, in quo Vicecomes dicti nostri Vicecomitatus suiq. Deputati nunc tenent suas curias, IGITUR, ac pro diversis aliis bonis respectibus nos moven. cum consensu praedict. DAMUS, CONCEDIMUS, et DISPONIMUS praefatis Praeposito et Ballivis dicti Burgi nostri de Dundee eorumque successoribus, Praeposito et Ballivis ejusd. omni tempore futuro, officium Vicecomitatus ejusd. nostri Burgi de Dundee, et integrarum bondaram, terrarum, communium acrarum, croftarum, molendinorum, piscariarum, aggerum, viarum, passagiarum, aliorumq. antedict. eid. spectan. infra praecinctum et libertatem, cum omnibus libertatibus, privilegiis, feodis, casualitatibus, commoditatibus, divoriis, et immunitatibus, ad dict. officium Vicecommitatus, infra bondas praedict. de lege et consuetudine dict. Regni nostri spectan. et pertinen.; AC FECIMUS et CONSTITUIMUS, tenoreq. praesentis Cartae nostrae, FACIMUS et CONSTITUIMUS praefatum Praepositum dict. Burgi nostri de Dundee, electum, et eligendum omni tempore futuro, principalem Vicecomitem, ac dict. Ballivos electos et eligend. Vicecomites-Deputatos conjunctim et divisim sub ipso, ejusd. Burgi, terrarum, bondarum, communitatum, aliorumq. supra specificat. cum potestate et libertate ipsis eorumque Deputatis, conjunctim et divisim, curias, tam criminales quam civiles, toties quoties opus fuerit, infra dict. Burgum, terras, communias, molendina, aliaq. supra script. eisd. spectan. seu infra aliquam partem dict. bondarum

[*Hiatus in Originali Carta.*]

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justitiam administrandi, sectas dict. Curiarum Vicecomitatus vocandi, conveniendi, et convocandi, absentes amerciandi, transgressores, delinquentes, et offendentes Burgensium et inhabitantium, aliosque transgressores et delinquentes, puniendi ad mortem, per seu per flagellationem, seu ustionem in manu vel bucca, ac omnem aliam poenam infligere, sicuti ullus alius Burgus utebatur, seu uti potest, secund. qualitatem criminum offendentium, et legibus dict. Regni nostri concordan.; Clericos, Serjandos, Adjudicatores, omnesq. alios officiarios et membra dict. Curiarum Vicecomitatus necessaria, faciendi, creandi, et constituendi, ex Burgen. dict. Burgi tantummodo, et nullis aliis eligendis et imponendis extra dict. Burgum; ac dictum officium Vicecomitatus infra eund. Burgum, terras, bondas, et territorium ejusd. utendi et exercendi, cum omnibus libertatibus, privilegiis, immunitatibus, et commoditatibus eidem spectan. simili modo et adeo libere sicuti ullus alius Vicecomes dictum officium, in ullo alio Vicecomitatu, Burgo, seu Jurisdictione, utebatur et exercebat.; ET, ad effectum ut dict. Praepositus et Ballivi dict. officium, privilegium, et libertatem ejusd. antedict. infra bondas praedictas, melius gaudere et possidere queant, nos, cum consensu supradict. EXEMIMUS, tenoreq. praesentis Cartae nostrae, EXIMIMUS dict. Praepositum, Ballivos, Consules, et communitatem dict. Burgi nostri de Dundee, et integros Burgen. et inhabitantes ejusd. praesentes et futuros, ab omni comparentia in ullis curiis, per Vicecomitem dicti Vicecomitatus nostri de Forfar, ejusq. successores, seu eorum Deputatos, infra dict. Burgum de Forfar, seu ullam aliam partem infra dictum Vicecomitatum, ullo tempore futuro, tenend.: AC PROHIBUIMUS, tenoreq. praesentis Cartae nostrae, PROHIBEMUS dict. Vicecomitem nostrum de Forfar, ejusq. Deputatos, presentes et futuros, ab omni attachiatione, arrestatione, vocatione, et conventione dict. Praepositi, Ballivorum, Consulum, et communitatis dicti nostri Burgi de Dundee, Burgen. et inhabitan. ejusd. praesentes et futuros, seu eorum aliquos, in curiis per dictum Vicecomitem ejusq. Deputatos, tempore futuro tenendis,

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et ab omni impositione exituum seu amerciamentorum super ipsos, vel eorum aliquos, pro eorum non-comparentia in dictis curiis. PRAETEREA NOS, cum consensu antedict. VOLUMUS, CONCEDIMUS, et expresse DECLARAMUS, quod omnes nostrae literae cornuationis, namationis, inhibitionis, appretiationis, aliaeque literae contra ullos Burgenses et inhabitantes dicti nostri Burgi, tempore futuro impetrand. proclamatae, usae, et executae erint apud Crucem Foralem ejusd. nostri Burgi, et quod dictae literae cornuationis, inhibitionis, relaxationis, aliaque scripta ullius naturae, omni tempore futuro, registratae erint in Curiarum libris dicti nostri Burgi, per Clericum ejusd. Burgi, et quas nos declaramus tam sufficientes fore, ac si aedem in libris Curiae Vicecomitatus de Forfar registratae fuissent. INSUPER NOS, cum consensu praedicto, et nostra certa scientia, et proprio motu, DE NOVO UNIVIMUS, ANNEXAVIMUS, et INCORPORAVIMUS, tenoreq. praesentis Cartae nostrae, UNIVIMUS, ANNEXAMUS, et INCORPORAMUS OMNES et SINGULIS praefat. terras, tenementa, annuos redditus, hortos, pomaria, molendina, multuras, piscarias, immunitates, privilegia, dict. vicariam, cum decimis, fructibus, redditibus, proficuis, et emolumentis earund. dictam minutam impositionem vini, officium Vicecomitatus, aliaq. generaliter et particulariter supra script. praefato Burgo de Dundee, cum eod. omni tempore futuro remanen. tanquam partes et pertinen. patrimonii et reddituum ejusd.: AC VOLUMUS et CONCEDIMUS, ac, pro nobis et successoribus nostris, DECERNIMUS et ORDINAMUS, quod unica Sasina nunc per dict. Praepositum, Ballivos, Consules, et communitatem, seu eorum aliquos, apud praetorium dict. Burgi capienda, stabit et sufficiens erit Sasina omni tempore futuro, simili modo ac si particulares Sasinae apud unamquamque partem dict. terrarum, molendinorum, piscariarum, aliorumq. supra specificat. cum suis pertinen. susciperentur, non obstan. quod eadem discontigue et in diversibus partibus jacent, quocirca nos, tenore praesentis Cartae nostrae, in perpetuum DISPENSAMUS:—TENENDUM et HABENDUM TOTUM et INTEGRUM praedict. nostrum Burgum de Dundee, continen. particulares terras, tenementa, molendina, multuras, immunitates, privilegia, officium Vice-

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comitatus, vicariam, minutam vinorum impositionem, fructus, redditus, emolumenta, aliaque respective supra specificat.
praefatis Praeposito, Ballivis, Consulibus, et communitati dicti nostri Burgi, eorumq. successoribus, de nobis et successoribus nostris, in feodo, haereditate, et Burgagio in perpetuum, per omnes rectas metas suas, antiquas et divisas, prout jacent in longitudine et lati
us, aedificiis, boscis, planis, moris, maresiis, viis, semitis, aquis, stagnis, rivolis, pratis, pascuis, et pasturis, molendinis, multuris, et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, cuniculis, cunicularis
columbariis, fabrilibus, brasinis, brueriis, et genestis, silvis, nemoribus, lignis, tignis, lapicidiis, lapide et calce, cum Curiis et earum exitibus, amerciamentis, haerezeldis, bludewittis, et mulierum merchetis, cum communi pastura, libero que introitu et exitu, ac cum omnibus libertatibus, commoditatibus, proficuis, asiamentis, ac justis suis pertinen. quibuscunq. tam non nominat. quam nominat. tam subtus terra quam supra terram, procul et prope, ad praedict. Burgum, aliaque respective particulariter praedict. cum pertinen. spectan. seu juste
quomodolibet, in futuro, libere, quiete, plenarie, integre, honorifice, bene, et in pace, sine aliqua revocatione, contradictione, impedimento, aut obstaculo quocunque: REDDENDO inde annuatim praefati Praepositus, Ballivi, Consules, et communitas dicti nostri Burgi de Dundee, suique successores, nobis et successoribus nostris, firmas Burgales et servitium solitum et consuetum tantum, ac praestando et administrando justitiam omnibus personis in Curiis dict. Vicecomitatus, secund. leges dicti Regni nostri. IN CUJUS REI TESTIMONIUM huic praesenti Cartae nostrae Confirmationis, Magnum Sigillum nostrum apponi praecepimus: TESTIBUS, praedilectis nostris Consanguineis et Consiliariis, JOANNE, Comite de Lowdoun, Domino Terrinzeane et Mauchline, &c., nostro Cancellario; JACOBO, Marchione de Hamilton, Comite Arraniae et Cantrabrigiae, Domino Aven et Innerdaill, &c.; ROBERTO, Comite de Roxburgh, Domino KER de Cesfurde et Caver-

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toun, &c., nostri Secreti Sigilli Custode; WILLIELMO, Mariscalli Comite, Domino Keith, Regni nostri Mariscallo; GULIELMO, Comite de Lanark, Domino Mauchaneshyre et Polmont, &c., nostro Secretario; dilectis nostris familiaribus Consiliariis, Domino ALEXANDRO GIBSON, juniore de Durie, nostrorum Rotulorum, Registri, ac Consilii Clerico; JOANNE HAMILTOUN de Orbidistoun, nostrae Justiciariae Clerico; et JOANNE SCOTT de Scotstarvet, nostrae Cancellariae Directore, Militibus; APUD HALYRUIDHOUSE, decimo quarto die mensis Septembris, anno Domini millesimo sexcentesimo quadragesimo primo, et anno regni nostri decimo septimo.

Written to the Great Seal tertio die mensis Februarii, 1642.
JO. ELEIS.

Sealit tertio Februarii, 1642. 108. lib.
JO. HALDANE.

TRANSLATION OF THE FOREGOING CHARTER OF KING CHARLES THE FIRST.

CHARLES, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, TO ALL GOOD MEN of his whole territories, clergy and laity, GREETING; KNOW YE THAT WE, with the express advice and consent of the Lords Commissioners of our Treasury, and of our beloved familiar Councillor, Sir JAMES CARMICHAEL of that ilk, Knight Baronet, our Treasurer-Depute, and of the other Lords of our Exchequer of our Kingdom of Scotland, our Commissioners, have RATIFIED, APPROVED, and by this our present Charter have CONFIRMED, and by the tenor thereof do RATIFY, APPROVE, and for ourselves and our successors for ever CONFIRM ALL and SUNDRY Charters, Infeftments, Evidents, Rights and Securities, made, given, and granted by our deceased dearest Father King JAMES the Sixth, by the grace of God of most worthy memory, or by the deceased Queen MARY, or by the deceased Kings, JAMES the Fifth, Fourth, Third, Second, and First, our predecessors of most blessed memory,

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or by any others our predecessors, Kings of Scots, to our Lovites the Provost, Bailies, Council, and community of our Burgh of Dundee, and their successors of the said Burgh of Dundee, of the liberties, privileges, immunities, tolls, customs, duties, markets, fairs, mills, fishings, ports, pier and shore dues, and other duties belonging to our said Burgh, contained and mentioned in the particular Charters, Infeftments, and other securities thereof, granted to them by our said deceased dearest Father of most worthy memory, or by any others of our predecessors, Kings of Scotland; AND PARTICULARLY without prejudice to the generality of the said Charters, Infeftments, Rights, and Securities above-written, the particular evidents under-mentioned, viz. A COMMISSION, or Procuratory, made and granted by the deceased ROBERT, King of Scots, constituting and nominating his Chancellor and Chamberlain his Lieutenants for revising and recognising the liberties which the Burgesses of our said Burgh of Dundee had, or possessed, in the time of the deceased ALEXANDER, King of Scots, his predecessor, and for returning an answer to the said deceased King ROBERT, conform to the evidence of what was recognised and found by them concerning the same—dated the twenty-second day of June, in the twentieth year of the reign of the said deceased King ROBERT; and a DECLARATION and RECOGNITION made by the said Chancellor and Chamberlain to the said deceased King ROBERT, of the liberties and privileges found by them disponed to our said Burgh of Dundee, by the said deceased King ALEXANDER, and his predecessors Kings of Scots—dated in the year of our Lord One thousand three hundred and fifteen. A CHARTER granted by the said deceased King ROBERT to the said Burgesses of Dundee, and their successors, of the whole liberties and rights which they had and possessed in the time of the deceased WILLIAM, King of Scots, and which the said deceased WILLIAM formerly granted to the deceased DAVID, his brother, of the said Burgh of Dundee, and of the immunities and customs, with the free market and fairs held by them in the time of the said deceased King ALEXANDER, and of

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certain other gifts of liberties and privileges granted to them, and particularly expressed in the said Charter—dated the fourth day of March, and of the reign of the said deceased King ROBERT the twenty-second year. ANOTHER CHARTER made by the deceased DAVID, King of Scots, granting, and in feu-farm demitting, to the said Burgesses of Dundee, the said Burgh with its pertinents, and specially with power to them to compel all the inhabitants in our said Burgh, who resorted to the markets of our said Burgh of Dundee, with the Burgesses thereof, to pay contributions with the other Burgesses of our said Burgh, for their support, aid, and relief of the burdens to be imposed upon the said Burgh; as also willing and granting, that no inhabitant within our Sheriffdom of Forfar should buy wool, skins, or hides, except the Burgesses of our said Burgh of Dundee, and those who had the liberty of buying these granted to them, by the rights and securities thereupon granted to them, by the said deceased King DAVID, or any other of his predecessors—dated the twentieth day of January, and of the reign of the said deceased King DAVID the thirtieth year. ANOTHER CHARTER granted by the said deceased DAVID, King of Scots, prohibiting all markets at our Burgh of Cowper, or in any other places, to the prejudice of our said Burgh of Dundee, and ratifying and approving all and sundry ancient infeftments, privileges, liberties, and possessions, which our said Burgh of Dundee, and the Burgesses thereof, had and used, and of which they were in the use and possession, and specially of their petty customs, ports, pier or shore dues, privileges, and duties thereof, and others mentioned at length in the said Charter—dated the fifth day of March, and of the reign of the said deceased King DAVID the twenty-third year. A CHARTER of Confirmation, granted by the deceased King JAMES the Fourth, by the grace of God of most worthy memory, to the Burgesses, and to our said Burgh of Dundee, ratifying and approving the aforesaid five Evidents and Charters particularly above-mentioned, in the whole points, heads, clauses, articles, and privileges thereof, and ALL and SUNDRY other ancient

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infeftments and privileges of the said Burgh granted to them—dated the nineteenth day of March, in the year of our Lord One thousand five hundred and eleven. A CHARTER granted by our deceased dearest Father, of most worthy memory, in favour of the said Provost, Bailies, Council, Community, and Burgesses of our said Burgh, and their successors, ratifying, approving, and confirming the aforesaid Charter of confirmation, granted to them by the said deceased King JAMES the Fourth, and certain other Charters and Infeftments therein at length mentioned; and in virtue whereof, our said deceased dearest Father of new gave, granted, disponed, and confirmed to the said Provost, Bailies, Council, and Community of our said Burgh of Dundee, and their successors, ALL and WHOLE our said Burgh of Dundee, with the whole lands, tenements, and annual rents, lying within the said Burgh and territory thereof; and ALL and SUNDRY such privileges and immunities of which they and their predecessors were in possession at any time bygone; together with the petty customs, ports, pier dues and duties, and the tolls, customs, and duties of the markets and fairs of our said Burgh, used and wont; with the immunities, privileges, and liberties of the water of Tay, loading and unloading of ships and boats, at whatever part of the said water they might think proper, on both sides thereof, from the mouth of the rivulet commonly called the Burnmouth of Innergowrie, on the west, to the place which is called the Gaw of Barrie on the east, on the north side of the said water of Tay; and from the place where the monastery of Balmerinoch was situated on the west, to the sands which are called Drumla Sandis on the east, on the south side of the said water of Tay; with power of preventing and hindering others from all loading and unloading of whatever ships or boats in that part of the said water, within the before-mentioned boundaries, and of levying and receiving all petty customs, and anchorage, shore silver, and other duties, within the aforesaid boundaries, as freely in all respects as the Burgh of Edinburgh levies at the Burgh of Leith, and as is levied by any other free Royal Burgh, or any other persons, at any sea ports within our said

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Kingdom; as also of levying twelve pennies for every tun of goods to be brought in any ships, boat, or other vessel within the mouth of the said water of Tay, and departing from the same, in all time coming, and of applying the said new imposition of twelve pennies on every tun of the said goods for erecting buoys, marks, and signals, upon the said place called the Gaw of Barrie, and upon the said sands called the Drumla Sandis, and for upholding the said buoys, marks, and signals for ever, in time coming, for shewing and pointing out the dangers and depths of the waters to all navigators sailing to or from the havens of the said water of Tay, for the safety of their ships, boats, and goods: AS ALSO the salmon fishings, and other fishings, on the north side of the said water of Tay, between the said Burnmouth of Innergowrie on the west, and the rock called Kilcraig on the east; together also with the two castle-mills, and the wind-mill, built and situated within the said Burgh, liberty, and territory thereof, and with the astricted multures and sequels, or knaveships, of all corn, barley, wheat, pease, oats, and other grain whatsoever, belonging to the inhabitants of the said Burgh, and all others bringing their grain to be ground at the said mills, or any of them; with the liberty and privilege also of building, having, and holding, within the said Burgh and liberty thereof, more water and wind mills, with dams, aqueducts, and houses corresponding thereto, for the common use of the said Burgh; AND the common meadow lying on the north side of the street called the Murraygate of the said Burgh; with all other greens, meadows, marshes, and muirs belonging to the said Burgh and liberty thereof, and of which the said Provost, Bailies, Council, and community, and their predecessors, had possession in times past: AND in like manner the superiority of the third part of the lands of Craigie, with the chaplainry of the blessed Mary, founded within the church of St. Clement, and all lands, tenements, and annual rents belonging to the said chaplainry and church; together with the said church called St. Clement's Church, and all and sundry the aforesaid lands, tenements, houses, buildings, churches, chapels, yards,

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orchards, crofts, and annual rents, which formerly belonged to the Black Friars and Grey Friars, or Dominicans and Franciscans, and whatsoever other Monkish Friars, Chaplains, and Prebends; with the places and dwelling houses of the said Monkish Friars, Chaplains, and Prebends, founded within the said Burgh and territory thereof: AND with full and free power of holding Courts for the administration of justice, and punishment of transgressors, according to the nature of their offences, agreeably to the laws and practice of our said Kingdom; and of levying issues, fines, and escheats of the said Courts, with bloodwits, as often as they shall occur, and of applying and disposing thereof for the common good of the said Burgh: AS ALSO of having a Dean of Guild, and Council of the Guild, and of using and exercising the jurisdiction thereof within the said Burgh, according to the tenor of the Act of Parliament made thereanent: AS ALSO of levying and receiving, for cleansing the High Street and market places of the said Burgh, for every load of victual and salt which shall happen to be brought, either to the market or to any houses or other places within the said Burgh, to be sold, a ladlefull, according to ancient custom and use, (which now, by decree of the Lords of Council, having commission to that effect from the Estates of Parliament, in the year of our Lord One thousand six hundred and thirty-three, is restricted and reduced to half a lippie, as the said decree, dated at Halyruidhouse, the twenty-sixth day of the month of September, in the year of our Lord One thousand six hundred and thirty-three, more fully bears); and for every load of fish one penny; and for every load of mutton, beef, butter, or eggs, one penny; for every unloaded horse standing in the street, after being unloaded of his burden, one penny; and other like customs used and wont: AND by virtue whereof our said deceased dearest Father gave, granted, and disponed to the said Provost, Bailies, Council, and community of our said Burgh of Dundee, and their successors for ever, ALL and WHOLE the vicarage of the church and parish of Dundee, with all and sundry fruits, rents, and emoluments whatsoever, belonging to the said vicar-

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age, to be intromitted with, levied, and received by the said Provost, Bailies, Council, and community, and their successors, factors, and chamberlains, for the crop and year of our Lord One thousand six hundred, and thenceforth yearly and termly; and to be applied for support of the Ministers serving the cure of the said church of Dundee, and entertainment of the poor residing within the hospital thereof:—To BE HOLDEN of our said deceased dearest Father, and his successors, as in the said Charter granted thereupon is more fully contained; Together with the PRECEPT and INSTRUMENT OF SASINE following on the said Charter; Together also with the particular Charters, Infeftments, Rights, and Securities therein mentioned, and thereby ratified and approved, made, given, and granted by us and our predecessors, therein contained, to the aforesaid Provost, Bailies, Council, and community of our said Burgh of Dundee, and their successors, of the said Burgh of Dundee, and of the immunities, privileges, liberties, tolls, customs, duties, markets, fairs, mills, fishings, shore duties, and others above specified, of the dates and contents contained in the said Charter; Together also with all and sundry other Charters, Infeftments, Evidents, Rights, and Securities, made, given, and granted to the said Provost, Bailies, Council, and community of our said Burgh and their predecessors, of all and sundry liberties, privileges, and possessions, which the said Burgh of Dundee, and the Burgesses thereof, had and used, and of which they are, and were in the use and possession; as also of all and sundry customs, profits, privileges, anchorage dues, tolls, fishings, mills, multures, duties, lands, teinds, and others above specified, belonging thereto, and of the prebendaries and chaplainries aforesaid, situated within the said Burgh, IN ALL AND SUNDRY heads, clauses, articles, and conditions contained and specified in the said Charters and Infeftments, specially and generally above-mentioned, according to the form and tenor thereof. SAVING, nevertheless, and reserving to us and our successors, the Burgh Mails, and services of Burgh, due and accustomed, to us, and our predecessors, prior to this our present Confir-

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mation. MOREOVER, WE, with consent aforesaid, will and grant, and, for ourselves and our successors, decern and ordain, that the said generality shall infer no loss or prejudice to the speciality; nor the speciality in any manner derogate from, or prejudice the generality: AND, that this our present Confirmation and Ratification, of all and sundry the premises, is and shall be, in all time coming, of as great force, strength, efficacy, and effect, to the said Provost, Bailies, Council, and community of our said Burgh, and their successors, for the enjoyment and possession of the said Burgh, and others respectively above specified, as if all the said Infeftments, Charters, and other Evidents, generally and specially above-mentioned, and each of them, had been inserted, word for word, at length in this our present Charter, notwithstanding the non-insertion thereof, or the omission of the same; wherewith, and with all other defects, impediments, and objections whatsoever, which can be opposed or objected against the same, or the validity thereof, WE, with consent foresaid, DISPENSE for ever. MOREOVER, WE, with consent foresaid, for the good, faithful, and gratuitous service, rendered and performed to us and our predecessors by the Burgesses and inhabitants of our said Burgh of Dundee, and divers other good reasons and considerations moving us, have of NEW GIVEN, GRANTED, DISPONED, and, by this our present Charter, CONFIRMED, and, by the tenor hereof, of NEW GIVE, GRANT, DISPONE, and for us and our successors for ever CONFIRM to the said Provost, Bailies, Council, and community of our said Burgh of Dundee, and their successors, ALL and WHOLE the said Burgh of Dundee, with all lands, tenements, and annual rents, lying within the same, and liberty thereof, and with all and sundry privileges, liberties, and immunities thereof, of which they and their predecessors are and were in possession, at any time heretofore; together with the petty customs, ports, pier dues, privileges, and duties; and with the tolls, customs, and duties of markets and fairs of our said Burgh, used and wont; with the immunities, privileges, and liberties of the water of Tay, of loading and unloading of ships and boats, at any part of the said water,

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lawful for them, on both sides thereof, from the said Burnmouth of Innergowrie on the west, to the place which is called the Gaw of Barrie on the east, on the north side of the said water of Tay; and from the place where the monastery of Balmerinoch was situated, on the west, to the said sands called Drumla Sandis on the east, on the south side of the said water of Tay; with power of hindering and preventing others from all loading and unloading of whatever ships and boats, in any part of the said water, within the aforesaid bounds, and of levying and receiving all petty customs, anchorage, or shore silver, and other duties, within the aforesaid bounds, as freely in all respects as the Burgh of Edinburgh levies at the town of Leith, and as is levied by any other free Royal Burgh, or by any other persons, at any sea ports within our said Kingdom; and also of levying twelve pennies for every tun of goods to be brought in any ship, or other vessel, within the mouth of the said water of Tay, and departing therefrom, in all time coming, and of applying the said new imposition of twelve pennies for every tun of the said goods, for the erection of buoys, marks, and signals, upon the said place called the Gaw of Barrie, and upon the said sands called Drumla Sandis, and for upholding the said buoys, marks, and signals for ever, in time coming, for shewing and pointing out the dangers and depths of the waters to all navigators sailing to or from the havens of the said water of Tay, for the safety of their ships, boats, lives, and goods: AS ALSO the salmon fishings, and other fishings, on the north side of the said water of Tay, between the said Burnmouth of Innergowrie on the west, and the rock called Kilcraig on the east; together also with the two castle-mills, and the wind-mill, built and situate within the said Burgh, liberty, and territory thereof, tofts, crofts, houses, dams, aqueducts, and other privileges of the said mills, used and wont, and the astricted multures and sequels, or knaveships, of all corn, barley, wheat, pease, oats, and other grain whatsoever, belonging to the inhabitants of the said Burgh, and all others bringing their grain to be ground at the said mills, or any of them; with liberty and privilege

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also of building, having, and keeping, within the said Burgh and liberty thereof, more water and wind-mills, with dams, aqueducts, and houses corresponding thereto, for the common use of the said Burgh: AS ALSO the common meadow, lying on the north side of the Street called the Murraygate of the said Burgh; with all other greens, meadows, marshes, and muirs, pertaining to the said Burgh and liberty thereof, and of which the said Provost, Bailies, Council, and community, and their predecessors, were in possession at any time heretofore: AS ALSO the said superiority of the said third part of the lands of Craigie, with the chaplainry of the blessed Mary founded within the church of St. Clement, and all other lands, tenements, and annual rents, pertaining to the said church and chaplainry; Together with the said church called St. Clement's Church, with all and sundry the aforesaid lands, tenements, houses, buildings, churches, chapels, yards, orchards, crofts, and annual rents, which formerly belonged to the Black Friars and Grey Friars, or Dominicans and Franciscans, and whatever other Monkish Friars, Chaplains, and Prebends; with the manor places of the said Monkish Friars, Chaplains, and Prebends, founded within the said Burgh and territory thereof: AND with full and free power of holding Courts for the administration of justice, and punishment of transgressors, according to the nature of their offences, agreeably to the laws and practice of our said Kingdom; and of levying the issues, fines, and escheats of the said Courts, with bloodwits, as often as they shall happen, and of applying and disposing of the same for the common good of the said Burgh: AND in like manner of having a Dean of Guild, and Council of the Guild, and of using and exercising the jurisdiction thereof, within the said Burgh, according to the tenor of the Act of Parliament passed thereanent: AS ALSO of levying and receiving, for cleansing the High Street and market places of the said Burgh, for every load of victual and salt which shall happen to be brought, either to the market place or to any houses or other places in the said Burgh, to be sold, the ordinary custom for the same, ordained by the said decree of the

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Lords of Council, extending to half a lippie for every boll of the said victual and salt which shall come to the said Burgh, and within the same, as said is, to be sold, in all time coming; and for every load of fish one penny; and for every load of mutton, beef, butter, and for loads, one penny; for every unloaded horse standing in the street, after being unloaded of his burden, one penny; and other like customs used and wont: AS ALSO ALL and WHOLE the vicarage of the said church and parish of Dundee, with the whole teinds, fruits, rents, and emoluments whatsoever, belonging to the said vicarage, to be intromitted with, levied, and received by the said Provost, Bailies, Council, and community of the said Burgh, and their successors, and their factors and chamberlains, for all crops, years, and terms to come, and to be applied for support of the Ministers serving the cure of the said church of Dundee, (besides and exclusive of the Parson, who has his stipend and living out of the parsonage teinds of the church and and parish of Dundee, from having a tack, or having tacks thereof, during the years of these tacks), and entertaining the poor residing within the hospital thereof: AS ALSO, WE understanding that the common rents and patrimony of the said Burgh are so small and slender, that, along with the said vicarage, they are not sufficient for maintaining their common works, charges, and expences, and for support of the said other Ministers besides the Parson, THEREFORE, WE, from our certain knowledge, GIVE and DISPONE to our said Burgh of Dundee, a small imposition on wine, of Four Pounds, to be taken for every tun of wine, which shall be vended within the said Burgh; with power to the said Provost, Bailies, Council, and community of our said Burgh, and their successors in all time coming, of levying the same, which shall be applied by them, and their successors, for supporting the said other Ministers, besides the Parson, serving the cure at the said church of Dundee, and for supporting the poor residing within the said hospital thereof: AS ALSO the weigh-house of the said Burgh, with the whole privileges, customs, casualties, and duties, due and belonging to the said weigh-house, and to the measures

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thereof, of which the said Provost, Bailies, Council, and community of the said Burgh are and were in use and possession in time past; with power to the said Provost, Bailies, Council, and community of the said Burgh, and their factors and chamberlains, in their names, to enjoy and possess the said weigh-house, and the measures used and to be used within the same, and whole privileges belonging thereto, and to collect, levy, and intromit with the customs and casualties due and belonging to the said weigh-house, and measures thereof aforesaid; and generally to do, use, and exercise, all and sundry other things necessary, in all and sundry the premises, in like manner, and as freely in all respects, as our said Burgh of Edinburgh any wise does and did. MOREOVER, WE understanding the said Burgh of Dundee to be the chief and principal Burgh within our Sheriffdom of Forfar, in which there is a great exercise of trade, and to which there is a great resort and repair, and that formerly the late Sheriff of our said Sheriffdom sat and held courts within our said Burgh, and further, considering that our said Burgh lies at a great distance from our Burgh of Forfar, in which the Sheriff of our said Sheriffdom and his Deputes now hold their courts, THEREFORE, and for divers other good reasons moving us, we, with consent foresaid, GIVE, GRANT, and DISPONE to the said Provost and Bailies of our said Burgh of Dundee and their successors, the Provost and Bailies thereof, in all time coming, the office of Sheriffship of our said Burgh of Dundee, and of the whole bounds, lands, common acres, crofts, mills, fishings, dams, streets, passages, and others aforesaid belonging thereto, within its precinct and liberty, with all liberties, privileges, fees, casualties, commodities, duties, and immunities, pertaining and belonging to the said office of Sheriffship, within the bounds aforesaid, by the law and custom of our said Kingdom; AND WE have MADE and CONSTITUTED, and, by the tenor of this our present Charter, MAKE and CONSTITUTE the aforesaid Provost of our said Burgh of Dundee, elected, and to be elected in all time coming, the principal Sheriff, and the said Bailies, elected, and to be elected, to be Sheriff-Deputes

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conjunctly and severally under him, of the said Burgh, lands, bounds, commonties, and others above specified, with power and liberty to them and their Deputes, conjunctly and severally, [to hold] courts, as well criminal as civil, as often as necessary, within the said Burgh, lands, commonties, mills, and others above written, thereto belonging, or within any part of the said bounds

[*Here a small piece of the original Charter is destroyed.*]

of administering justice, of calling, convening, and convocating suits of the said Sheriff Courts, fining absentees, and of punishing transgressors, delinquents, and offenders of the Burgesses and inhabitants, and other transgressors and delinquents to death, by
or by whipping, or burning in the hand or cheek, and to inflict all other punishments, as any other Burgh used, or could use, according to the nature of the crimes of the offenders, and agreeably to the laws of our said Kingdom; and of making, creating, and constituting Clerks, Serjeants, Dempsters, and all other officers and members of the said Sheriff Courts necessary, from among the Burgesses of the said Burgh only, and no others, to be elected and imposed without the said Burgh; and of using and exercising the said office of Sheriffship within the said Burgh, lands, bounds, and territory thereof, with the whole liberties, privileges, immunities, and commodities thereto belonging, in the same manner and as freely as any other Sheriff used and exercised the said office in any other Sheriffdom, Burgh, or Jurisdiction; AND to the effect the said Provost and Bailies may the better possess and enjoy the said office, privilege, and liberty thereof, aforesaid, within the said bounds, WE, with consent aforesaid, have EXEMPTED, and, by the tenor of this our present Charter, EXEMPT the said Provost, Bailies, Council, and community of our said Burgh of Dundee, and the whole Burgesses and inhabitants thereof, present

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and to be, from all appearance in any courts to be held by the Sheriff of our said Sheriffdom of Forfar, and his successors, or their Deputes, within the said Burgh of Forfar, or any other place within the said Sheriffdom, in time coming; AND we have PROHIBITED, and, by the tenor of this our present Charter, PROHIBIT our said Sheriff of Forfar, and his Deputes, present and to be, from all attachment, arrestment, calling, and convening of the said Provost, Bailies, Council, and community of our said Burgh of Dundee, Burgesses and inhabitants thereof, present and to be, or any of them, in courts to be held by the said Sheriff and his Deputes, in time coming, and from all imposition of issues or fines on them, or any of them, for their non-appearance in the said courts. MOREOVER, WE, with consent foresaid, WILL, GRANT, and expressly DECLARE, that all our letters of horning, poinding, inhibition, apprising, and other letters against any of the Burgesses and inhabitants of our said Burgh, to be raised in time coming, shall be proclaimed, used, and executed at the Market Cross of our said Burgh, and that the said letters of horning, inhibition, relaxation, and other writs of whatever nature, shall, in all time coming, be registered in the Court books of our said Burgh, by the Clerk of the said Burgh, and which we declare shall be as sufficient as if the same had been registered in the Sheriff Court books of Forfar. MOREOVER, WE, with consent foresaid, and of our certain knowledge, and of our own accord, have of NEW UNITED, ANNEXED, and INCORPORATED, and, by the tenor of this our present Charter, UNITE, ANNEX, and INCORPORATE ALL and SUNDRY the aforesaid lands, tenements, annual rents, yards, orchards, mills, multures, fishings, immunities, privileges, the aforesaid vicarage with the teinds, fruits, rents, profits, and emoluments thereof, the said small imposition on wine, the office of Sheriff, and others generally and particularly above written, with the said Burgh of Dundee, to remain with the same, in all time coming, as parts and pertinents of the patrimony and income thereof: AND WE WILL and GRANT, and, for ourselves and our successors, DECERN and ORDAIN, that one Sasine to be now taken by the said Provost, Bailies,

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Council, and community, or any of them, at the Town Court of the said Burgh, shall stand and be a sufficient Sasine in all time coming, in the same manner as if particular Sasines had been taken at every part of the said lands, mills, fishings, and others above specified, with their pertinents, notwithstanding the same lie discontiguous, and in different parts, wherewith we, by the tenor of this our present Charter, DISPENSE for ever :—TO BE HOLDEN, and to HOLD ALL and WHOLE our said Burgh of Dundee, containing the particular lands, tenements, mills, multures, immunities, privileges, office of Sheriff, vicarage, small imposition on wine, fruits, rents, emoluments, and others respectively above specified, by the said Provost, Bailies, Council, and community of our said Burgh, and their successors, of us and our successors, in fee, heritage, and Burgage for ever, by all the right meiths thereof, old and divided, as the same lie in length and breadth, with houses, buildings, woods, plains, muirs, marshes, roads, paths, waters, pools, rivulets, meadows, pastures, and pasturages, mills, multures, and their sequels, fowlings, huntings, fishings, peat mosses, feal, coals, coal heughs, rabbits' warrens, dovecots, forges, maltkilns, breweries, and broom, woods, groves, timber, beams, quarries, stone and lime, with Courts and their issues, fines, herezelds, bloodwits, and marchets of women, with common pasturage, and free ish and entry, and with all other liberties, commodities, profits, easements, and their just pertinents whatsoever, as well not named as named, as well below ground as above ground, far and near, pertaining or justly to the said Burgh, and others respectively, particularly before-mentioned, with the pertinents, in whatsoever manner, in future, freely, quietly, fully, entirely, honourably, well and in peace, without any revocation, contradiction, impediment, or obstacle whatsoever: GIVING therefore yearly the aforesaid Provost, Bailies, Council, and community of our said Burgh of Dundee, and their successors, to us and our successors, the Burgh Mails and services used and wont only, and doing and administering justice to all persons in the Courts of the said Sheriffdom, according

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to the laws of our said Kingdom. IN TESTIMONY whereof we have ordered our Great Seal to be appended to this our present Charter of Confirmation, before these Witnesses, our well-beloved Cousins and Councillors, JOHN, Earl of Lowdoun, Lord Terrinzeane and Mauchline, &c., our Chancellor; JAMES, Marquis of Hamilton, Earl of Arran and Cambridge, Lord Aven and Innerdaill, &c.; ROBERT, Earl of Roxburgh, Lord KER of Cessfurde and Cavertoun, &c., Keeper of our Privy Seal; WILLIAM, Earl Marischal, Lord Keith, Marshal of our Kingdom; WILLIAM, Earl of Lanerk, Lord Mauchaneshyre and Polment, &c., our Secretary; our beloved familiar Councillors, Sirs ALEXANDER GIBSON, younger of Durie, Clerk of our Rolls, Register, and Council; JOHN HAMILTON of Orbidistoun, our Justice Clerk, and JOHN SCOTT of Scottstarvit, Director of our Chancery, Knights, AT HALYRUIDHOUSE, the fourteenth day of September, in the year of our Lord One thousand six hundred and forty-one, and of our Reign the Seventeenth year.

Written to the Great Seal the third day of February, 1642.
(Signed) JO. ELEIS.

Sealed the third day of February, 1642. 108 lib.
(Signed) JO. HALDANE.

[NOTE.—This Charter was ratified by Act of Parliament in 1661—the Charter being engrossed verbatim in the Act. The subsumption of the Act is, "Because the Provost and Estates of Parliament notifying that upon the occasion of intaking of the said Burgh of Dundee be the English in the year 1651 the Charter Chest of the foresaid Burgh, wherein the haill evidents thairof, was broken up by the English Soldiers, and all the writs taken out of the samen, and many of them burnt and destroyet, and very few of them gotten back agane."]

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No. 95. of Inventory. *Agreement betwixt the Viscount of Dudhope and the Town of Dundee, for removing all controversies betwixt them, dated 12th October, 1643.*

Att Dundie the twelffe day of October, 1643.

THE Articles underwreitten are Aygreit upon Betwixt JAMES, Wicount of Dudope, on the ane pairt, And the Provest, Bailyies, Coũnsalle, and comunitie of the brũghe of Dundie on the uther pairt, for removing all contraversies betwixt them:—First, the said Wicount of Dudope, his heirs and successors, shall pay to Mr ANDROW AUCHINLECK, pñtt person in Dundie, and his successors serwing the cure of the said kirke, the sowme of twelffe hundreth merkis, as ane constant locall Stipend for the parsone of Dundie, at Whitsunday and Martimesse be equall portiones, the First terms payment thereof to be the first terme containit in his presentation, wizt, Martimesse 1642. And becaus the sd Wicount Dudope augments greattlie the Stipend formerlie give to the persones of Dundie for the speciall favour and respect he caries to the Towne of Dundie, Thairfor the sd Provest, Bailyies, and Counsalle, representing the haill towne, shall compeir personally befor the Lordis appointed commissioners for surrenders and teinds and teinds, and thair Judiciallie consent to the modefying of the forsaid sowmes as ane constant yeirly stipend to thair persone. And sicklike the sds Provest, Bailyies, &c., obleisse them, and sall be obleidged for them and thair successors in all tyme comming, To concurr and assist the sd Wicount of Dudope, his heirs and successors, in the opposing and stopping of all Further Augmentatione to be cravitt or modefeit at any tyme hereafter to the sd persone and his successors.

Item, the sds Provest and Bailyies, &c., be their pñtts does acknowledge the Wicount of Dudope and his successors' right to the cũstoms of the first fair of Dundie, And thairfor consents that he shall continue in uplyfting thairofe as formerlie they have done; And the

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Wicount consents that all abuses done thairin in tymes bygone be reformed in tyme comming.

Item, the s^{ds} Provest and Bailyies consents that the said Wicount and his fors^{ds}, thair bailyies or Deputts, upon the first fair Day, sall ride through the town, according as he has done, accompanied w^{t} his friends and followers, not exceeding the number of twentie Horse, in most peaceable maner.

Item, that during the tyme of the first fair, that for the space of eight days, the s^{d} wicount and his fors^{ds} shall judge according to the power of their jurisdictione betwixt stranger and stranger, and betwixt others, conform to the Indenture past betwixt the said Wicount of Dudope, his predicessors, and the towne of Dundie in anno 1384: And notwithstanding that be the said Indenture the courts should be holden upon the castell hill, yet it is aggreitt to that hereafter during the said tyme of the said fair the court shall be holden in the Townhouse of the said brough, and to that effect the Provest, Bailyies, &c., obleisse them to make the tolbuithe and Dores thereof to be patent to the s^{d} wicount and his fors^{ds}, and for delinquents to be apprehended be thaim during the said tyme, the s^{ds} Provost, bailyies, &c., obleisse them to deliver the keyes of the upper or nether yron house as sufficient Jeales for keeping of them; and that the magistrates of the said brough for the tyme shall assist and concurr with the s^{d} wicount and his fors^{ds} in the execution of his office during the said tyme of the first fair: lykeas, it is declaired that the restrictione fors^{d} to the eight dayes of the first fair shall, on nowayes, prejudge the s^{d} wicount nor his successors in the lawfull executione of his office of Constabulare all the rest of the yeire.

Item, it is aggreit, that what chaplañies or altrages, &c., the s^{d} wicount his right and possessione of, foundit and lying w^{t}in the Towne of Dundie, the towne sall discharge to him any claim of right they

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have to him thairto, and of all other chaplañies or altrages w^t^in the s^d^ towne whereof he has not right and possessione, he sall renounce the same in favours of the s^d^ towne of Dundie.

Item, the s^d^ wicount, for him and his fors^ds^, shall discharge all tiende shaves that can be claimed be him of the freiries akers and landis mortified to the Hospitall of Dundie, and shall consent that the samin shall remain teind free in all tyme coming.

Item, the s^ds^ Provest and Bailyies, &c., shall sett, lyke as they be their pñtts doe sett, to the s^d^ JAMES Wicount of Dudope, the personage teinds of Kinguddie, halfe Drimmie lyand w^t^in the paroshe of Forgond, for the space of nynten yeares, for payment of twentie merkis yearlie, at Whitsunday and Martimesse be equall portiones; and after the expyring of the s^d^ nynten yeares tack they sall set, lykeas they do sett, to the s^d^ wicount and his fors^ds^ the s^ds^ teinds for the space of uther nynten years for the yearlie payment of the s^d^ yearlie dewtie of twenty merkis, and swa furth fra nynten yeare to nynten yeare swa long as the towne of Dundie sall hawe right to the teinds of the s^d^ parochne, alway w^t^ warrandise fra their owne proper facts and deed alliennarlie.

Item, the s^d^ Provest and Bailyies, &c., discharges the said wicount and his fors^ds^ of the payment of all customs or ladlies of all wictuall grŭnd upon his lands and sold w^t^in the s^d^ broughe.

Item, the s^d^ Provest, bailyies, counsall, &c., for them thair successors, obleidge them that their latte gift of fresschipe, nor no claues therein containit, grantitt to them be his maj: sall on no wayes prejudge the s^d^ wicount nor his fors^ds^, his Infeftments, and rights of Constabularie w^t^in the s^d^ brŭghe.

Item, the s^d^ wicount obleidge him to discharge, lykeas he be their

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pntts discharges, his new signature grantit to him be his maj: in so far as may be extendit to the erections of the rottan-raw in ane broughe of baronie, the libertie of weekly market and twa fairs in the year, the exercise of tred and merchandise and craft w^t^in the samine, with such other particulars as shall be found prejudiciall to the brough of Dundie, to obleisse him and his airs to procure no new gift nor signator thereof in prejudice of the s^d^ broughe at no tyme hereafter.

Item, the said wicount discharges to the town of Dundie all right he has or can pretend to twentie shilling sterling out of the burrow mallies of Dundie, or castle hill thereof.

Item, the saids pairties doe absolutly discharge others *hinc inde* of all kind of summonds, action, citation, persuit, laborows whilk his bein at any tyme heretofor usit, intendit, and depending betwixt them befor any judge or judges w^t^in this kingdom for whatsomewer cause or occasione preceeding this dyett.

Item annent the assaise, first, it is aggreed, that out of every boat comming into the shore of Dundie my Lord DUDHOPE and his fors^ds^ sall only exact thereof the number of one hundreth herings, and sũafurth proportionallie, of every boat commin in, and the like only to be taken of the boatts w^t^ the berwy haddocks, and of kylling or Leinge, or other fishes of that kind only, twa of ilk boat.

Item, that the hyway and Lonne in the hill sall remain unbrokin but by the advice of the Town; and, anent the slainting hill, it is aggreed upon, that the inhabitants of the towne shall dry thir cloaths, or stent thir cloath upon, as they have been in use to doe. And annent the number of tailyieors to be in the hill it is aggreit, that ther sall be only four to remain therein, whilk four shall be named be the deacone of the crafts w^t^in the Town, and in case of any of ther death, ane other to be put in his place be the nomination of the

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Deacon, without prejudice alway to such of that craft as sall be heretors w^t^in the hill :

Finalie, both the s^d^ pairties faythfullie binds and obleidges them to extend the articles above wreitten be way of Contract, and keep the substance of meaning fors^d^, and that at the sight and be the advice of S^r^ GEORGE HALYBURTON of Fotherance, and S^r^ JOHN LESSLIE of Newtone, Senators of the Colledge of justice, and the Laird of Ballingay and the Laird of Monorgonde, or any two of them, and be and for ilk pairtie, and the extentione to be betwixt and the first day of December next to come in this instant yeir of God, Ja. vjc. and fourtie-three yeirs :

Moreover, it is aggreit betwixt the s^ds^ pairties, that give the Town of Dundie sall not be funde obleigit to releive the Wicount of Dudope of the Furnishing of the communion elements be s^ds^ Lords Fotherance & Newtone, that then the town sall continue in payment thereof, and the wicount shall be free ; and give uterwayes, the said wicount sall be obleigit to pay fiftie merkis yearlie for furnishing the comunione elements.

And now Lastly, the s^d^ wicount of Dudhope, the s^ds^ Provest, Bailyies, Counsalls, collectors and Deacons of crafts, for themselves and warrand of the haill town, do, by the faith and truth of ther bodies, strictly obleidge them, and ilk ane of them to uthers, for the true keeping and performing the Articles above wreitten ; lykeas they are all instantly content, and consents the haill above-wreitten Articles be formaly extended in manor and betwixt the day fors^d^ ; and in token of their consent hereto, they have subscribed their p̃ntt w^t^ ther hands, day, year, and place fors^d^, before thir witnesse, the s^d^ S^r^ GEORGE HALYBURTON of Fotherance, S^r^ JOHN LESSLIE of Newton, M^r^ JAMES GRAHAME of Monorgond, M^r^ JAMES DURHAME of Pitkerro.

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Inventory N° 158.

Letter signed by King Charles II. to Mr Alexander Wedderburn Town Clerk of Dundee. - Dated Brussells, 6th July. 1649.

Charles R

Trusty and welbeloved, We greet you well. We have been duely informed of the faithfull service you have performed to the King our late father, of blessed memory; and we intreate you to continue the same good affection to Vs; assuring you, that we are very sensible, not only of your particular desert; but of the good affection of the whole Towne of Dundee, and that we shall be carefull whensoever it shall be in our power to doe such favours both to you and them, as may best expresse the consideration we have of the many faithfull services that have been performed by you, and that Towne, to our said late father, and to vs. Given at Brussells, the 6th day of July. 1649. in the first yeare of our Reigne.

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GEORGE HALYBURTON, minister . of angus, be thes pñtt grante me to hav the principall of the above-wreitten paper, subscribed by the vicount of Dudope and the Provest, Bailyies, and Counsall of Dundie, quk I obleidge me, my airs, exrs., to deliver to the Provost of Dundie, or his representative, against me upon summonds in witness, this is written and subd at barrie March 2, Ja. ivc seventy-six, befor these witness—Mr THO. JHONSTON, minister at Barrie, and Mr JAMES RAMSAY, Preacher of the Gospel there. (Signed) G. HALIBURTON. TH. JOHNSTONE, Witness. J. RAMSAY, Witness.

No. 158. of Inventory. *Letter by King* CHARLES II. *to the Town Clerk of Dundee, bearing his signature, dated in 1649.* (A Simile is given.)

CHARLES *R.*

TRUSTY and welbeloved, We greet you well. We have been duely informed of the faithfull service you have performed to the King our late father, of blessed memory; and we intreate you to continue the same good affection to us; assuring you, that we are very sensible, not only of your particular deesert, but of the good affection of the whole Towne of Dundee, and that we shall be carefull whensoever it shall be in our power to doe such favours both to you and them, as may best expresse the consideration we have of the many faithfull services that have been performed by you, and that Towne, to our said late father, and to us. Given at Bruxells, the 6th day of July, 1649, in the first yeare of our Reigne.

To our trusty and wel beloved
Mr ALEXANDER WEDDERBURNE,
Clerke to the Towne of Dundee.

(The Letter is also impressed with the King's Signet.)

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No. 99. of Inventory. *Order by the Committee of Estates for Fortifying the Town of Dundee, dated 12th September, 1650.*

STIRLING, 12th September, 1650.

THE Committee of Estates considering of what Importance it may be for the public good and peace of the countre that the Towne of Dundie were well fortified and secured from the common enemie, we hereby, therefore, give strict charge and comand to the Magistrates of the said Towne for them to cause fortify Towne, and to remove all Impediments that may hinder the speedie and effectuall doing thereof. Hereby generally recomending to your care, as they will evidence your affection to the common safetie of the kingdome and good of the cause, to go about everie thing necessarie for the fortifying, keeping, and defending of that towne, and to do it speedilie without delay: For which purpose the Committee do hereby authorise you with full power. *Extractum.*

A. HENDERSON.

No. 159. of Inventory. *Letter by King* CHARLES II. *to the Provost, Bailies, and Council of Dundee, requesting them to re-instate Mr.* WEDERBURNE *as Town Clerk, bearing the King's Signature and Seal, dated at Perth, 17th January, 1651.*

CHARLES *R.*

TRUSTY and well beloved, Wee greet you well: Whereas Sir ALEXANDER WEDDERBURN of Blaknes, is of so Knowne abilities to discharge the Office of Clerkship in your towne, from the which he hath been debarred, or at least retired himself, these few years byegone without any necessity or publick command, and wee now conceiving that his re-establishment in the said place may be verie usefull to our service and the good of that Towne, Therefore wee desier you to restore him to the full and free enjoyment of the said

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ncil and Estates of Parliament
ndee to send 200 men to
d. 28th January, 1651

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place, which wee will accept as very good service done to us: So wee bid you farewell, from our Court at Perth this 17th of January 1651.

For our trusty and well beloved
the Provost, Baylies, and
Counsail of Dundie.

No. 266. of Inventory. *Order by the Privy Council and States of Parliament to the Provost and Bailies of Dundee to send Men for the defence of Burntisland, dated 28th January, 1651.* The Order bears the Signatures of the Earls of ARGYLL, CRAWFORD & LINDESAY, HAMILTON, &c. (A Simile is given.)

LOVING FREINDS,

Whereas, be publict orders frome the King's Mãtie and Estates of Parliamt, the town of Dundie were ordered to send two hundred men to Bruntyland for guarding of that town against the coñon enemy; And the condition of the Country being such, that Requyrss great care to be tane of that town, Wee doe thrfore Ordane and Coñand you forthwith upon sight hereof to send to Bruntyland the ful proportion of men formerlie appoynted to be sent frome Dundie to Bruntyland; And that the said town of Dundie take course for provyding of the men sent frome thame wth enterteanment, and that they stay at Bruntyland till the first day of Agust nex to come, at wch tyme Orders will be sent for sending in of the regiment that is appoynted to guard that town. We are

Your assured freinds,

STIRLING, 28 Januy. 1651.

HAMILTON. ARGYLL. CRAFORD & LINDESAY.
BALCARRES. BALHAVEN. COCHRANE. BARGANY.
COLQUHOUNE of Luss. DOWGLAS.
(And others.)

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No. 101. of Inventory. *Order, signed by General* MONCK, *for the demolition of the Town's Walls, dated 29th November, 1657, and having his Seal attached.* (A Simile is given.)

WHERAS the Sould^rs that are att p^rsent quarter'd in Dundee are shortlie to bee drawne away, and itt may bee inconvenient & dangerous for the Towne to have the Workes continue standing, These are to authorize you to slight & demolish the Workes of the said Towne in such manner as you shall thinke fitt, soe as they may nott bee an Advantage to any Enemy to possesse the Towne. Given under my hand & seale att Ed^r the 29^th day of November, 1657.

GEORGE MONCK.

To the Provost & Bailiffs of the Burgh of Dundee.

No. 107. of Inventory. *Act of Parliament, in favour of the Burgh of Dundee, for a Voluntary Contribution, in respect of the loss incurred at the Storming of the Town and destruction of the Walls, dated 23rd December, 1669.*

AT Edinburgh the twentie-third day of December, one thousand six hundreth threescore nyne years: The King's Majestie and Estates of Parliament takeing to their consideration the loyaltie, affection, and fidelitie of the Burgh of Dundie to His Majestie's service, and that in September 1651 the samen was stormed and taken violently by the Usurpers, and their town plundered, with the loss of many lyves; and the great loss latelie sustained by the said Burgh & inhabitants thereof through the breaches made upon their Walls from their hospitall to the seagateport, and upon their harbour & bulwark to the utter demolishing thereof and loss of several of their ships, goods, and vessels, occassioned by the great storm and tempest of wether in the month of October lastly past, so that besides their losses sustained by them in their private fortounes, one hundreth thousand pund Scots will not repair their publick losses, Whereby the said

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Inventory
No. 101.

Order by General Monck for demolishing the Town's Fortifications: Dated 14th November, 1659.

Whereas the Soulds that are att present quartered in Dundee are shortlie to be drawne away and it may be inconvenient & dangerous for the Towne to have the Works continue standing. These are to authorize you to slight & demolish the Works of the said Towne in such manner as you shall thinke fitt for as they may not be an advantage to any Enemy to possesse the Towne: Given under my Hand & Seale at Dundee the 14 day of November 1659.

George Monck

To the provost & Bailiffs of the Burgh of Dundee.

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Burgh and Inhabitants thairof are rendered unable to repair the said harbour without some supplie be granted to them for that effect. Therefore the King's Majestie, with advice and consent of his Estates of Parliament, Doe seriously Recommend the condition of the said burgh of Dundie to the Archbishops, Bishops, and Ministers of the Gospel, and all incorporations within the kingdome, for a free and voluntary contribution, to be collected and gathered for the help and supplie of the said Burgh towards the reparation of their harbours & bulwark; And Recomends to them to order and direct the fittest and best way of contributing thairof, and that the samen may be delivered to any person who shall be entrusted by the Provost, Baillies, and Councill of the s^d Burgh of Dundie having thair Commission to receive the said contribution.—Extracted furth of the Records of Parliament by me, Sir ARCHIBALD PRIMROSE of Thestor, Knight & Barronet, Clerk of his Majestie's Councill Registers and Rolls.

A. PRIMROSE, *Clk. Reg.*

Inventory, Box 15.

Ratification and Disposition—Sir ALEXANDER WEDDERBURNE *to the Hospital Master of Dundee, of Monorgan's Croft, dated 9th June, 1672.*—(The prior Disposition by him having been lost at the sack of Dundee in 1650.)

BE it kend till all men be thir presents Letters, That Me, Sir ALEXANDER WEDDERBURNE of Blackness, Knight, Common Clarke of the Burgh of Dundee, sometyme heretable proprietor of the Croft of Land, with the pertinents underwritten, Forsomeikle as I be my dispistione of the dait the day of have (for the soume of £1,666 13s. 4d. usual Scotch money, advancit and payit to me be Master of the Hospital of the s^d Burgh of Dundee) Sauld and Disponit fra me, my airs, and successors, To and In favour of the said Hospital Master and his successors, masters

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of the said hospital, for the use of the poor thereof, heretably and irredeemably, All and Haill that croft of arable corne feild land sometyme callit Seres haugh, lying on the North side of the Tenements and Zairdis thereof upon the North side of the Argyles gaite of the said Burgh, betwixt the medow sometyme of the airs of ALEXANDER BLAK, thaireafter belonging to the Laird of Claverhouse, and now to one the West, the saides tenements and zairdes on the South, the Lands of the Conventical freers now belonging to the Burgh of Dundee, as Superiors, one the East, and the Maynes of Dudhope one the North parts, With the parts, privileges, immunities, and universal pertinents thereof, usit and wont.—To be holden, and with absolute warrandice, in manner at length specified in the said Disposition to the same of the dait foresaid, with the instrument of Seasine following thereupon at great length, bears. And seeing it is of veritie that the said Dispositione was amittit and lost by reasons of the common callamitie at the storming of the said burgh by the English in anno 1650 years, as I am informed, And that I am most willing, as reasone is, to renew the foresaid Securitie In favours of JOHN GRAHAME, merchand Burgess, and present master of the said Hospital of the said Burgh, for the use and behoove foresaid, In manner underwritten, Therefore Wit ye me To have ratified, homologated, and approved, Lykeas I, be the tenor hereof, for me, my airs, and successors, ratifie, homologate, and approve, To and in favor of the said JOHN GRAHAME and his successors, masters of the said Hospital, to the use, behoof, utilite, and profite of the Poor thereof, the foresaid right and Dispositione, with the said Instrument of Sasine following thereupon, In the haill heads, clauses, articles, and obligements thereof, and after the forme and tenor of the same in all points, Admitting hereof the foresaid ratifications to be as guide, sufficient, as if the said Disposition and Seasine following thereupon were herein word be word insert, whereanent dispenses for ever: And farder, I, for me and my foresaids, ratifie and approve the said present Hospital Master and his predecessors, masters of the said

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hospital, thaire right and possession of the said croft of land, and that of all zears and cropes since the tyme foresaid of my dispositione thereof, and in tyme comeing. And for thaire farder securitie thereanent, Wit ye me to have of new againe sold, annaillzied, and disponit, Lykeas, I, be the tenor hereof, sell, annailzie, and dispone fra me, my airs, and successors whatsomever, To and In favor of the said JOHN GRAHAME and his successors, masters of the said hospital of Dundee, for the special use, behoof, utilitie, and profit of the poor of the said hospital, heretably and irredeemably, but any manner of reversion, redemptione, or regress whatsomever, All and haill the foresaid croft of arable corne feild land sometyme callit Seres croft, with the partes, privileges, immunities, and universal pertinents thereof, usit and wont, boundit and lying in manner forsaid, and which is here holdene, as repeated *brevitatis causa;* Together with all right, title, interest, actione, claime of right, property, and possession, petitor and possessor, which I or my foresaids had, have, or anywayes may have claime and pretend In and To the said croft of land, with the pertinents, or to the former duties thereof, or to any annuall rents or other duties whatsomever, if any be payable furth of the same, or to any part or portione thereof in tyme comeing. And thereuntil, I hereby bind and oblige me and my foresaids to purchase and obtaine the said JOHN GRAHAME and his successors, masters of the said hospital, for the use and behoof foresaid, on their owne expences, To be heretably and irredeemably, duly and lawfully infeft and seasit, And that upon resignatione thereof, To be made be me *preprius manibus*, or by my proŕs, in manner underwritten :—To be holden of the Provost, Baillies, Council, and Communitie of the said Burgh of Dundee, and their successors, my immediate and undoubted lawful Superiors thereof, suchlike and as freelie in all respects as I hold the same myself, and for zearlie payment of such dutie as I pay it theirfore myselfe. And for the more easy effectuating thereof, I hereby make and constitute my proŕs, to the effect underwritten, Giving and Committing to them, con-

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junctly and seãllie, my full power, mandat, and charge for me in my name and behalf, To compeare upon the ground of the said croft of land at whatsomever day or dayes lawful and convenient, And there, with all reverence, as becomes, purely and simply, be earth and steane, as use is, To resign, surrender, upgive, and overgive, Lykeas I, be the tenor hereof, resigne, surrender, upgive, and overgive fra me, my airs, and successors foresaid, all and haill the said croft of land callit Seres croft, with the partes, privileges, immunities, and universal pertinents thereof, usit and wont, bounded and lying as said is; Together, also, with all right, title, interest competent to me or my foresaids thereanent in manner above written, In the hands of the Provost or any of the Bailies present or for the time being of the said Burgh of Dundee, Superiors foresaid, In favour and for new Infeftment, Staite, and Seasine to be given thereupon to the said JOHN GRAHAME, or his successors, masters of the said hospital, for the use, behoove, utilitie, and profit of the poor thereof, heretably and irredeemably, as said is, in such due and competent form as effeirs, Acts, Instruments, and documents needful in the premises to ask, lift, and raise protestationes to make, And generallie all other things requisit in the premises, to do, use, and exerce suchlike and as freelie in all respectes as I might have done therein if I were personally present Promissing to hold firme and stable; and which croft of land above disponit, with the pertinents, Together with this present infeftment foresaid appointit to follow hereupon, I be thir presents bind and oblige me, my airs, and successors foresaid, To warrand, acquit, and defend, To be free, safe, and sure to the said JOHN GRAHAME and his successors foresaid, to the behoove above written, from all actiones, perils, dangers, impediments, and inconveniences whatsomever, bygane, present, or to come, which may stop, trouble, or impead the said JOHN GRAHAME, or his said successors, to the behoove foresaid, In the peaceable possession of the said croft of land, uplifting of the mails and duties thereof, setting and raising of the same, using and disponing thereupon as their owne proper heretage, at thaire pleasure in tyme coming, at all

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hands and against all mortall, With this special condition and provisione allways, that this present right and dispositione, nor no former Dispositions, are or were grantit be me In favours of the masters of the Hospital for the tyme, to the behoove foresaid, of and upon the said croft of land, with the pertinents, shall inferr no more against me than single and once payment of the price forsaid of the said croft of land, with the pertinents, allenarlie and no farder: With which conditione and provisione thir presents are grantit and acceptit allenarlie, no otherways. And for the more securitie, I am content, and consent thir presents be insert and registrate in the Books of Council and Session, or in any other Books competent within this kingdom To have the strength of ane decreet of any of the Judges thereof interponit hereto; That Letters and executorials needfull, on six dayes' charge, in forme as effeirs, be directit thereon: And Thairefore constitute my prors, &c.
In witness whereof I have subscribed thir presents (written be DAVID HOBARD, Servitor to ROBT LAWDER, Writter in Dundee) with my hand, At Blacknesse the ninth day of Juene, the year of God Jaj. vic. three score twelve years, Before thir witnesses, the saidis ROBERT LAWDER and DAVID HOBARD, the dait and witnesses being insert by the said ROBERT LAUDER.

(Signed) A. WEDDERBURNE.

R. LAUDER, *Witness.*
D. HOBARD, *Witness.*

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No. 110. of Inventory. *Certificate of the Lord Lyon King of Arms of the Armorial Bearings of the Burgh of Dundee, dated 30th July, 1673.* (A Simile is given.)

TO ALL AND SUNDRIE whom it effeirs, I, Sir CHARLES ARASKINE of Cambo, Knight, Baronet, Lyon King of Armes, CONSIDERING that, Be severall acts of Parliament, alseweell of our dread Soveraigne Lord CHARLES THE SECOND, Be the Grace of God King of Scotland, England, France, and Ireland, defender of the faith, As of his Majestie's Royall predicessors, Especiallie be the Twentie-one act of the Third Session of this current Parliament, I am Impowered to visit the wholl armes And bearings within this kingdome, And to distinguish them and matriculat the same in my books and Registers, And to give Extracts of all armes, Expressing the blazoning therof, under my hand and seall of office; And which Register is be the forcited act Ordained to be respected as the true and unrepealable rule of all armes and bearings in Scotland, To remaine with the Lyon's office as a publict Register of the kingdome. THERFORE, conforme to the power given to me be his Sacred Majestie, And according to the tenors of the saids acts of Parliament, I Testifie and make knowen that the armes of old belonging to the Royall Burgh of DUNDIE, and now confirmed be me, Is matriculat in my said publict Register upon the day and dait of thir presents, And are thus Blazoned, VIZ., The said Royall Burgh of DUNDIE gives for ensignes-armoriall, Azure, A pot of growing lilies Argent, The Escutcheon being Supported by Two Dragons, their tails rowed together underneath vert, with this word, in ane escroll above a lilie growing out of the top of the shield as the former, DEI DONUM. Which armes above blazoned I heirby declare to have been and to be the true and unrepealable signes-armoriall of the Burgh Royall above-named. IN TESTIMONIE wherof, I have Subscryved this Extract with my hand, And have caused append my seall of office therto. GIVEN at my office in Edinburgh the Threttie day of July, and of our said Soveraigne Lord's reigne the Tuentie-Fyft year, 1673.

CH: ARASKINE, *Lyon.*

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No. 280. of Inventory (Bundle).

Obligation by ALEXANDER DUNCAN *of Lundie not to stop the course of the Water from the Loch of Lundie to the Town's Mills on Dighty, dated 21st July, 1681.*

I, ALEXANDER DUNCAN off Lundie, hearby binds and oblidges me, my aires, and successors, heritors of the Milnes off Lundie, that the Town of Dundie having accomplished & perfected that work presently intended by them anent the cutting off the *bank* in the mouth of the Loch of Lundie for the more fluent course of the water to the Milnes of Dundie, I, nor my foresaides, shall never stop the course of the said water, except allenarly when we have not use for the water ourselves, and no otherwise, sua that the milnes belonging to the Town of Dundie shall have the use thereoff as the milnes of Lundie. And, farder, I bind and oblidge me and my foresaides that this benefit presently granted to the Town of Dundie shall be gratuitous, and I shall never require any acknowledgement from thame for the samen. As also, I shall iterate & renew thir presents, iff required, in more ample form, always keeping the substance hereoff unaltered. And in witness thereof I have written and sub.^{d} thir presents, att Lundie this twenty-ane day off Julij, Jaj. vi. and aughtie-ane years. (1681.)

(Signed) A. DUNCAN.

THE TOWN'S MILLS AT PITKERRO AND ON DIGHTY.

BY a Charter by ALEXANDER SCRYMGEOUR, Constable of Dundee, he disponed in favor of the Burgesses and Community of Dundee one acre of land lying on that Croft of Pitcarouth (Pitkerro) called the Mills Croft. This Charter is without a date, but from the handwriting and other circumstances it appears to have been granted about the middle of the 14th century.

By Charter by JAMES DURHAME, Portioner of Pitkerro, in favor of the Provost, Bailies, Council, and Community of Dundee, he disponed a piece of land on the Lands of Pitkerro selected and marked out for the reparation and construction of a new corn mill for the common benefit of the Burgh. The date is not filled up, but the Instrument of Sasine in favor of the Town on the Charter is dated 8th May, 1589.

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By a Minute of Sale, dated 18th September and 27th October, 1621, the Town sold to Mr. JAMES DURHAME, Fiar of Pitkerro, the two Corn Mills of Pitkerro, with house, &c.

(These three foregoing ancient Writs are in Bundle 280.)

The Town had purchased from SCRYMGEOUR of Dudhope, Constable of Dundee, in 1612, the Mill and Mill Lands of Baldovan, and these were long held by the Town; and it will be seen from the various early Crown Charters the Town had the right of Thirlage or exclusive right of grinding corn for the Town and district. These Mills and Mill Lands and Thirlage were sold by public roup by the Town on 19th December, 1827, to the Baker Trade, at the price of £4,000, with £100 of yearly feu-duty, and redeemable except to the extent of £8 6s. 8d. yearly. The Mills latterly became the property of Mr. WILLIAM HARRIS, and now belong to Sir JOHN OGILVY, Bart., who holds the same of the Town, for payment to the Town of the annual unredeemed feu-duty of £8 6s. 8d.—the feu-duty of £100 having, except to this extent, been redeemed.

By a Minute of Sale, dated 28th May, 1621, betwixt DAVID GRAHAME of Fyntrie and Spouse and the Provost, Magistrates, and Council of Dundee, and Deacons of Crafts, he sold to the Town "All and Haill thais his thrie Corne Mylnis of ye Maynes of Erlis-Stradichtie, situat upon ye water of Dichtie, quhairoff ane is presentlie occupyit be JHONE JACKSON and JAMES JOBSON, and ye uyer twa are presentlie occupyit be JAMES QUHITTIT and WALTER SCOTT, with the haill geir of ye saidis Mylnis as they are presentlie gangand, with all the damis, leadis, intakkis, and watter gaugis of ye saidis thrie Mylnis, togedder also with the water slousses and previleges yairoff, &c., as also the schelling hill of ye foresaid Myln occupyit be the said JHONE JACKSON, lyand upone ye south syed of ye said lead, betwix ye samyne lead and corne land of ye said Maynes of Erlis-Stradichtie: Lykas thrie acris of arable landis of his Maynes of Erlis-Stradichtie lyand contiguous with the saidis Mylnis," with various privileges and passages, all as therein mentioned, lying in the Parochine of Mains, Regality of Kirriemuir, and Sheriffdom of Forfar,—To be holden feu for a yearly payment of £100 Scots.

By Contract of Feu between the Town of Dundee and JAMES and GEORGE KIDD of Craigie, dated 12th and 14th May, 1722, and recorded in the Burgh Court Books 22nd February, 1774, the Town disponed to them All and Haill that East Miln of those three Corn Mills on the Water of Dightie disponed to them by the now deceased DAVID GRAHAME of Fintry, together with the heall lying and going gear of the said Miln, dams, kilns, and parts and pertinents, bounded with the march stones presently erected and sett up betwixt the samen and the Lands belonging to the Middle Miln, belonging to the Town, on the west, and the old march stones and miln lead on the south, north, and east parts, with entry by 12-foot passage besouth the lead, as contained in the Town's rights to the Miln,—for a yearly feu-duty of 60 pounds Scots, with a prohibition that no grain shall be ground at the Miln belonging to Inhabitants

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of the Town of Dundee to the prejudice of the Town's other Milns on the Water of Dightie, &c.

This Mill is now, it is believed, held by Mr. TYRELL, who pays to the Town the annual feu-duty of 60 pounds Scots, or £5 sterling.

By Contract of Feu, dated 26th May, 1735, and recorded in the Burgh Court Books 8th October, 1756, the Town, for a consideration of 1200 merks Scots, sold to the Wauker Trade of Dundee "All and Haill that our Walk Miln, formerly a Corn Miln, being the midmost of these three Corn Milns purchased by the Town of Dundee from the deceased DAVID GRAHAM of Fintry, and commonly called the Midle Miln, with the arable land belonging thereto, sometime possesst by JAMES WHITTET, lying upon the Water of Deightie, as the same is presently possessed by the Walker Trade, with the hail gearage of said Miln as she is presently going, with all and sundry Dams, intacks, leads, water gaugs y^r of, w^t the privilege of winter slouses upon the east parts and sides of said leads, and with all and sundry houses, biggings, yards, and pertinents of same," for, in addition, a yearly feu-duty of £5 Scots payable to the Town of Dundee therefor.

This Mill is now held by CARGILL & Co., Bleachers, and is still known by the name of the Mid Mill; and they pay the annual feu-duty to the Town of 8s. 4d. sterling.

The Westmost Mill and Mill Lands (known latterly by the name of Fountainbleau) were sold by the Town's Trustees to Mr. ERSKINE of Linlathen and Fintry in 1852 for £950, and he to be bound to relieve the Town of the feu-duty of £100 Scots payable to the Laird of Fintry by the original Feu-Contract above-mentioned in 1621.

In this way the Town's Mills, which for many years were a source of considerable revenue to the Town, have all been disposed of.

No. 116. of Inventory. *Protest—The Town of Dundee against the Charter by King* CHARLES II. *to Colonel* JOHN GRAHAM *of Claverhouse,—dated 14th May, 1684.*

Att Dundee the fourteen day of Maii, Jaj. vjc. aughtie four Years, and of his Matie's reigne, the threttieth and Sext Year.

THE Whilke day, in presence of me, nottar publict & witness^s under subscrybeing, Compeared personallie PATRICK BALNAVES, present thesaūrer of y^e burgh of Dundie, p̄for for and in name and behalfe of the Magistrats, Counsell, and coīmunitie of y^e s̄d burgh of

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Dundie, who with me, nottar publict, past to the personall presence of DAVID GRAHAME of Duntrune, which DAVID GRAHAME haveing and holding in hes hands ane Charter of resignatione under his maᵗie's great seall of the office of Constabulary of Dundie, floweing upon a dispositione yᵗof granted in favors of Collonell JOHN GRAHAME of Claverhouse be the Earle of LAUDERDAILL, Last Constable of the said burgh, Craved that ALEXANDER WEDDERBURNE of Easterpowrie, Sheriff and baillie in that pairt, constitut be yᵉ precept of seasine contained in the said charter, might give heretable stait & seasine to him as pror and actorney for the s̄d Collonell JOHN GRAHAME of yᵉ said office of Constabulary of Dundie, with the priviledges belonging yᵗto, and particularlie that of being first magistrat within the said burgh as his predisessors Constables of Dundie (as he alleidges) had; But least any groundles and unwarrantable pretenses fo̅undit upon be LAUDERDAILL as Constable of Dundie of haveing jurisdictione and power over yᵉ s̄d towne and inhabitants and being first magistrat therein (albeit, that yᵉ towne of Dundie be a free royall burgh hes constantlie elected ther owne Magistrats, as they doe to this day, and are noewayes subject to the Constable's Jurisdiction,) should give any occasione to the s̄d Collonell JOHN GRAHAME, now Constable in place of yᵉ s̄d Earle of LAUDERDAILL, or any other in his name, to either usurpe any power or authoritie over yᵉ s̄d burgh or yᵉ Inhabitants therof, or to encroatch upon, trouble, or molest the p̄nt Magistrats of yᵉ samen, or ỹr sucessors, in the dew and lawfull exercise and peacable enjoyment of ther liberties and priviledges of a free royall burgh. Therfore, the s̄d PATRICK BALNAVES, as p̄ror for, and in name and behalfe fors̄d, protested that any seasine takin, or to be taken be Collonell JOHN GRAHAME, or any right granted or to be granted to him be the Earle of LAUDERDAILL of and concerning the s̄d Constabulary of Dundie, might noewayes militat ag̃t, or be prejudiciall unto yᵉ rights, liberties, & priviledges belonging & appertaining unto yᵉ s̄d burgh of Dundie; And particularlie of cognoscering upon & decyding all ryots, bloods, batteries, pettie thifts, and other lesser

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crymes comitted within y^e^ bounds & jurisdictione of y^e^ šd towne be ther originall wryts and evidents, and q̃ch y^e^ šd magistrats & ther predicessors possessed formerlie without any interruptione; And that y^e^ šd Collonell JOHN GRAHAME, as constable, should have noe priviledge of being first Magistrat, it being express contrair to y^e^ toune's priviledges & liberties and constant custome, But that y^e^ toune's rights, liberties, & priviledges should stand firme, & in full force, strenth, & effect notwithstanding y^r^of. Whereupon, & upon all & sundrie y^e^ premiss^s^, y^e^ šd PATRICK BALNAVES, as p̃ror for, and in name & behalfe foršd, asked & took instruments in y^e^ hands of me, nottar publict. Thir things were done at y^e^ mercat cross of y^e^ šd burgh of Dundie, betwixt Ten and ellevin houres in y^e^ fournoone, In presence of ARTHOUR FORBES of and ROBERT CAMPBELL Sone to Umq^ll^ Maister ROBERT CAMPBELL, Last Minister at Mullin, Witness^s^ speciallie called & requyred to y^e^ premises.

Ita est ut premittitur ego JACOBUS WEDDERBURNE, Notarius publicus, ad premissa Requisitus subscribo, &c.

(Signed) JA: WEDDERBURNE, *N.P.*

ARTHUR FORBES, *Witness.*

ROBERT CAMPBELL, *Witness.*

Note.—The foregoing is only one of a series of Protests and remonstrances by the Inhabitants against the pretensions of the Constables. The Constables of Dundee appear to have for centuries been owners of the Barony of Dudhope, with extensive tracts of land adjacent to the Burgh of Dundee. The Constables had long interfered with the authority and jurisdiction of the Magistrates of Dundee, and many unseemly controversies, and even conflicts, had for years taken place between them. About the year 1669 or 1670, Treasurer MAITLAND of Hatton, and afterwards Lord LAUDERDALE, succeeded the SCRYMGEOURS as Constable, and acquired by the female line the Dudhope

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Estates and other extensive properties in the neighbourhood of Dundee, with the Baronial rights over the Dudhope Estates. He continued to put in force, and to maintain with even more rigour than his predecessors, the rights assumed by the prior Viscounts of Dundee, and in consequence many disputes took place between him and the Inhabitants, who all through endeavoured to maintain the rights of the Magistracy within Burgh. The Constable raised proceedings before the Privy Council against the Provost and Magistrates to have his precedency declared and the Magistrates prohibited from interfering with his alleged prerogatives. The Privy Council, then no doubt very much under LAUDERDALE's influence, decerned in his favor, and in effect rendered the authority of the Magistrates powerless within the Burgh. This state of matters caused a continual irritation and dissatisfaction in Town, and on all occasions the Town Council resented this assumption so derogatory to their municipal dignity. They repeatedly protested against it, and threatened to obstruct the Constable in his attempts to administer jurisdiction within Burgh, but without effect. LAUDERDALE, on the other hand, raised proceedings before the Privy Council against the Provost and Magistrates for contempt of its decree, and also action of Lawburrows against them for forcibly interfering with him in the exercise of his jurisdiction in the Burgh. These proceedings were directed particularly against the then Provost GEORGE BROWN,* by whose orders the proceedings complained of took place. LAUDERDALE was then in full influence both with the King and the Privy Council, and a severe punishment was inflicted on the Provost, obviously with the object of putting an end to farther interference by the Magistracy with the Constable's position and pretensions. The Privy Council deposed the Provost, and declared him to be incapable of holding public office in Dundee—said suspension to continue during their pleasure,—and fined him in the sum of three thousand merks, and ordained him "to be committed to prison in the Tolbooth of Dundie until he should pay his fyne to his Majestie's Exchequer," and farther declared "that he was not to have his relief of the said fyne from the common geud of the Burgh or from any other persons whatsomever." This severity, particularly the provision prohibiting relief from the Town, was no doubt meant by LAUDERDALE to terrify any public man in the future from being a party to interfere with the Constable's actings.

Provost BROWN, for his zeal in carrying out the resolutions of the Magistracy and Inhabitants, suffered in his private fortune and civil disability for six years. He then petitioned the Privy Council to have this civil disability removed and the prohibition to get relief of the fine against the Common Good and Community relaxed, on the ground that he was in all the matters only acting by the orders and instructions of the Town Council. The Privy Council, on 25th January, 1683, granted the prayer of his petition, and the following is an Extract of the Privy Council Decree in favour of the Provost :—

* The Provost was son of the Bailie BROWN of Horn who was killed defending the Town when stormed by MONCK.

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AT Edinburgh the twentieth ffifth day of January jaj. vi. & eighty-three years, Anent the petition presented by GEORGE BROWNE, late Provost of Dundie, Shewing that the petitioner being for the year 1676 Provost of the burgh of Dundie, and there having some debates fallen in betwixt the Lord Thresaurer Deput, as Constable, and the Magistrates of the said burgh anent their privileges, the petitioner was by the haill Counsell and communitie employed to manadge the defence of the said debate upon the publick expences of the said towne, and did obtain an act of the towne Councill, appointing him to go to Edinburgh, of his expences and all damages and prejudice he should happen to sustain upon that account. Being then pursued before the Privy Councill for some incroachments upon some of the Lord Treasurer Deput's priviledges as Constable, albeit the petitioner did act nothing by himself, but allenarly as Provost and by the unanimous consent of the haill councill and community of the burgh, he was fyned in the sowme of three thousand merks, and imprisoned ay and untill he made payment of the samen, and, as a part of his sentence, he was declared by the Privy Council to have no relieff thereof either out off the common good or from any of the inhabitants within the burgh; as also ordained to be removed from the office of a Provost within the said burgh and discharged to exercise the office of Magistracy therein during the Privy Councill's pleasure: And seeing that it is evident by severall acts of the said Towne Councill and authorities and commissioners that what the petitioner did therein was as Provost, and by the unanimous consent of the haill Councill and inhabitants, and by their directions, and that they obliged themselves to re-imburse the petitioner of what prejudice he should happen to sustain upon that account; and seeing that the foresaid acts and commissions were not under the Lords of Privy Councill their consideration the time of the foresaid sentence, and that the towne councill and inhabitants do scruple and are affrayed to refund the petitioner the said three thousand merks of fyne, albeit they themselves obtained the gift thereof for repairing of their harbour, so long as the foresaid sentence and warrant stands in the way unrescinded, neither can the petitioner pursue for restitution thereof before the Judge competent without a formal act of the Council rescinding the foresaid restraint, and if the same were rescinded, the petitioner is very hopeful that the towne Councill and inhabitants of the said burgh would willingly and readily make payment without any further trouble or words; and seeing the petitioner has this six years lyan under the incapacity of bearing charge within the Burgh, and that it is a talk upon the Petitioner's reputation, and that it would be hard he should ly longer under the samen, being known to be of loyall principles, and both ready and willing to serve his Majesty in any station at all occasiones: And therefore humbly supplicating that the Councill would take off the foresaid restraint discharging the petitioner from having his relieff as said is, that he may be repayed by the said burgh of the foresaid sowme wherein he was fyned, and wherewith they themselves did intromitt, and also to take off the foresaid incapacitie of bearing charge of Magistracy within that burgh in time coming, seeing it is well known that he is of most orderly principles, and has been very usefull in keeping the people in their due obedience to his Majesty's laws, and is still ready and willing to serve his Majesty in any station at all occasions; as also, seeing not only the petitioner himself was robbed of the greatest part of his fortune in his Majesty's service, but also his father was deprived of his

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life and killed in the said service by the usurpers at the Storme of the said burgh,—The Lords of his Majestie's Privy Councill, having heard and considered the foresaid petition, Doe hereby Repone and Restore the supplicant against the foresaid sentence of Councill incapacitating him to bear publick office and charge within the foresaid burgh, and appoints intimation to be made to the Magistrates of the burgh of Dundie of the supplicant's desire to be refunded of the fyne and expences disbursed by him in the foresaid pursuite by the Magistrates, their order and commission, to the effect they may appear the twenty-two day of March next to come, and give in their reasons why the same ought not to be refunded (if any they have): With certification, The saids Lords will referr the said matter to the Judge ordinarie for the petitioner's restitution, and that they shall not be heard thereupon thereafter before the Councill. Extd by me,

(Sd) WILL: PATERSON,
Cls. Sec. Con.

The Provost afterwards obtained a Decreet for the fine and expenses against the Magistrates and Council; and, as he was merely the instrument in carrying out the public wish and feeling, no doubt ultimately got his relief from the Town.

The Resolutions regarding these transactions are in the Council Minute Books, and the Decrees of the Privy Council are among the Town's Papers—No. 281 of Inventory.

Major-General GRAHAM of Claverhouse subsequently got a grant of the office of Constable, with Dudhope Castle and a portion of the Dudhope Estates, including particularly lower Dudhope, when the arbitrary pretensions of the prior Constables were pushed even to farther extremities by CLAVERHOUSE, and his arrogance in attempting to subject the Magistracy and Council to his authority caused an open conflict, and CLAVERHOUSE was obliged to leave the Town to escape the vengeance of the citizens. He returned with a military force to overawe the Municipality, but—as is narrated in history—was unsuccessful, and his services in the field being at this time required by the King, his subsequent death at Killiecrankie relieved the Town from farther apprehensions. The office of Constable descended to the DOUGLAS Family, and when Parliament, after Culloden, abolished all heritable and baronial jurisdictions, the Duke of DOUGLAS received £1,800 as compensation for the abolition of the ancient office of Constable of Dundee.

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Extract Letter from King JAMES VII. *to the Privy Council, appointing the Constable of Dundee first Magistrate thereof, dated 19th March, 1685–6, with Act of Privy Council thereon, dated 17th June, 1686.* (A Simile is given.)

EDINBURGH the Seventeinth Day of June 1686,—

THE which day the Letter underwritten, direct from the King's most Excellent Majestie To the Lords of his Privy Councill of his his ancient Kingdom, Being read, was ordered to be recorded in their Books: And further, the saids Lords doe Heirby Require and Command the Provest, Magistrats, and Councill of Dundee To cause his Extract of the said Letter to be registrat in their Books, and therein to give obedience accordingly. Of which Letter the Tenor followes, *Sic supra scribitur*, JAMES R: Right trusty and right wel-beloved Cousin and Councellor, right trusty and entirely beloved Cousins and Councellors, right trusty and right wel-beloved Cousins and Councillors, right trusty and wel-beloved Cousins and Councellors, right trusty and wel-beloved Councillors, and trusty and wel-beloved Councellors, Wee greet you weell. Being informed that our dearest royall Brother (of ever blessed memory) Did declare the Constable of Dundee the first Magistrat of the said Burgh; and that the Lords of our Session have decided the precedency in his favours before the Provost in case of Concurrence; and that, notwithstanding, debates arise thereanent amongst them which may prove prejudiciall to our service: Wee have thought fitt (looking on our selfe as the only Judge of Matters of Honour and Precedency) to signifie to you, That it is our Will and Pleasure That in all time comeing the Constable of Dundee, and his successoures in that office, be the first Magistrat of the said Burgh: That is, That he have the precedency and first Honours paid him befor the Provost by all persones whomsoever within the said burgh, who are heirby required to give obedience heirunto, as they will be answerable. And wee doe require you to send ane Extract of this our Letter to the Provest of Dundee, who is hereby ordered to cause it to be registrated in the Toun

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Books; Which (without any declarator), notwithstanding any thing that can be alleadged to the Contrairy upon the account of any charter of Erection, shall be sufficient to put and secure the constable in posession of the precedency in manner abovementioned, and to Warrant you to punish any who shall upon any pretext whatsoever refuse obedience heirunto. So Wee bid you heartily ffarewell. Given at our Court at Whitehall the 19th day of March, 168$\frac{5}{6}$, and of our Reigne the 2d year. By his Maj^s^ Command, *sic subscribitur*, MELFORT. Extracted furth of the Records of his Majestie's Privy Councill By me, M^r^ COLIN M'KENZIE, Clerk of his Majestie's Privy Councill.

COLIN M'KENZIE,
Cls. St. Concilij.

No. 118. of Inventory.

Extract Act of the Privy Council nominating the Magistrates, Council, and Deacons of Crafts of Dundee, dated 25th November, 1686.

At Edinburgh the twentie-fyfth day of November, 1686.

FORASMUCH as it hath pleased the King's most Excellent Majestie, By a Letter direct under his royall hand, dated at Whythall the nynth day of November instant, to the Privie Councill of this his ancient kingdome, Signified that he is now resolved to nominat and appoynt Magistrats and other Councillors and Deacons of Crafts for his burgh of Dundie underwritten, as being such whom his majestie judges most Loyall and readie to promote his service, and most forward to support the good & interest of the s^d^ burgh, and Therfore authorizeing his Privie Councill to that effect,—Therfore The Lords of his majestie's Privie Councill, In pursuance of his majestie's Command aforesaid, doe heirby nominat & appoint ALEXANDER RAITT to be Provost of the s^d^ Town of Dundie; JOHN SCOTT, JOHN MANN, JOHN GRAHAME, and JAMES STEUART to be Bailzies there; THOMAS

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MUDIE to be dean of gild there; JOHN MELVIN, ALEXANDER ARBUTHNET, WILLIAM WATSONE, younger, ANDREW SMEITOUN, Shoar master, PATRICK YEAMAN, Treasurer, JOHN WARDROPER, hospitall master, JAMES GRAHAM, younger, ALEXANDER BELL, WILLIAM WHYTHEID, THOMAS PEARSONE, WILLIAM MILL, Baxter, JOHN NICOLL, Tailzior, and JOHN NICOLL, flesher, to be Councillours there; and the Deacons of Trades to be—JOHN NICOLL, flesher, Deacon Conveener, WILLIAM MILL, Baxter, JAMES KNIGHT, hammerman, JOHN NICOLL, tailzior, JAMES ANDERSON, Shoemaker, JAMES CRAIG, Bonnet maker, WILLIAM MITCHELL, Waker, JAMES STRAUCHAN, Glover, THOMAS ELDER, Weaver, and ANDREW ALLAN, Flesher,—All which persones are heirby authorized to continue in their respective offices, in the said burgh and liberties thereof, untill Michaelmes next enshewing the date of these presents; and the said Lords appoynts their entrance and admittance to the saids offices to be upon Thursday the second of December next, and Recomend to Generall Major GRAHAME to be present thereat, to the end he may see his majestie's Royall pleasure aforesaid Regullarlie and effectuallie put in executione. Extract by me, *sic sub^re*,

COLIN M'KENZIE,
Cls. St. Concilii.

No. 119. of Inventory. *Act of Privy Council in favour of the Masters and Seamen of Dundee for erecting Lights at the mouth of the Tay, dated 24th February, 1687.*

EDINBURGH, the Twenty-fourth Day of February, 1687.

FORASMUCH, as there having been an Address made to the Lords of His Majesties Privy Council, by the Masters and Seamen of *Dundee* and *Tye*; Humbly Representing, That whereas the River and Firth of *Tay*, having a narrow entry betwixt two dangerous Banks, has in all time by-past been Unnavigate and without the assistance of Lights or Beacons, to the great prejudice of Trade, Ruine and Loss

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of Men's Lives, (as by sad experience is well known within these Five Years by-past :) And now there being an exact Plate and accurate Description of the said River and Firth, by JOHN ADAIR, Geographer, who has actually Navigate the samen, whereby it may be entred without hazard in Day-Light, but under Night, the best experienc'd Seamen not daring to attempt the same, are ofttimes put to Sea, or constrained to turn all Night with great hazard in the outward Bay, (Strangers ordinarly running Ashoar and loosing all :) Which great hazard and loss may be altogether prevented by erecting One Light or Two upon the *Button-Ness*. And therefore humbly Supplicating the saids Lords, to grant Warrant for erecting the saids Lights : And that each Voyage, Twelve Pennies Scots for each Tun from all the Ships, Barks, or other Vessels, coming into *Tay*, be exacted by the saids Masters and Seamen, or their Box-Masters, seeing they, as a Fraternity, are willing to erect the saids Lights or Beacons, and maintain the same upon their own Expences. Which Petition being given up to the Earl of PANMURE, to see and answer in so far as concerned his Interest. And upon the Twenty-seventh Day of *January* last, It being Recommended to the said Earl by the Council, (after hearing his Answers,) to allow the saids Lights and Beacons, the same being of so great advantage to Seamen and Passengers, coming and going the said River and Firth. And this Day, the said Earl of PANMURE, having declared his Consent to the erecting the saids Lights and Beacons. And there being a Bill given in, by the Magistrates and Town Council of *Dundee:* Desiring, That the saids Undertakers might be Obliged, to erect and keep up the saids Lights ; and Oblige themselves to that effect, in manner Underwritten. The Lords of His Majestie's Privy Council, having fully Heard and Considered the foresaid Representation, Consent of the said Earl and Petition given in by the saids Magistrates and Council of *Dundee ;* and finding, that the erecting of the saids Lights and Beacons, will be of great advantage, as is above-mentioned. Do hereby Warrant and allow the said Fraternity of Masters and Seamen of *Dundee*, to Erect the saids

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Lights and Beacons. And Impowers and Authorizes them or their Box-Master or Box-Masters, to exact and uplift upon the account of the saids Lights, the said Twelve Pennies *Scots* each Voyage for each Tun, in outcoming or incoming, for all the Ships, Barks, or other Vessels, coming into the said Firth or River of *Tay*, viz. betwixt *Fifeness* and the *Reid-head*, inclusive, Forraigners paying double of the said Duty of Twelve Pennies *Scots*, being Two Pence *Scots* for each Tun, as said is. And that for each Time, the said Fraternity, Binding and Obliging themselves conjunctly and severally Acted in the Books of Privy Council, not only to Erect the saids Beacons and Lights, but to keep up and maintain the same in the same Form and Dyet, as the Lights of the *May* are, after the Term of *Martinmass* next. And the saids Lords Declares, that the uplifting of the said Twelve Pennies *Scots per* Tun, as said is: Is to Comence and take Effect from and after the Twenty Seventh Day of *January* last past, at which time the said Representation was given in; And Ordains all ordinary Diligence and Execution in such Cases to be used and performed. It is always hereby provided, That as the saids Masters, Seamen, and Box-Masters, are to receive the Ordinary Dues for the saids Beacons and Lights, from the Date foresaid. So they are not to be further lyable for upholding thereof, then they receive the accustomed Duty, conform to this present Act. They being always Obliged, so long as they shall receive the said Custome and Duty, to keep up and maintain the saids Lights and Beacons; Under such Pains and Penalties as the Council shall think fit to inflict in Case of Falzie. *Extracted by me*

WILL. PATERSON,

Cler. Sti. Concilij.

GOD SAVE THE KING.

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No. 269. of Inventory. *Discharge by* CLAVERHOUSE, *Lord Viscount* DUNDEE, *to the Town, for his Duty on Malt brewed in the Burgh, dated 11th March, 1689.* (A Simile is given.)

I, JOHN, Viscount of Dundee, Grants me to have receaved ane Thousand merkes, which ALEXANDER CATHCART receaved upon the fourth day of october last by past from JOHN GRAHAME, Colector of the towne's gift of two merkes upon each boll of malt broun and sold within the town of Dundie,—The qulk sowme is payable to me termlie out of the first end of the said gift, and discharges the said town of the terme of martimes, Jaj. vic. eightie-eight, as witnesse my hand, at Dudhope the 11 of march 1689.

DUNDIE.

No. 10. of Inventory (Lands of Dudhope and Barony of the Hilltown). *Crown Charter by King* WILLIAM III. *in favour of the Town of Dundee, of the Barony of Hilltown, Lands of Dudhope, and others, dated 20th July, 1697.* (Original in Latin.)

WILLIAM, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith. To all honourable men of his entire Kingdom, cleric and lay, Greeting: Know ye that we, with the special advice and consent of our well beloved cousins and counsellors, PATRICK Earl of Marchmont, High Chancellor of our ancient Kingdom of Scotland, JAMES Duke of Queensberry, ARCHIBALD Earl of Argyll, WILLIAM Earl of Annandale, and of our well beloved counsellors, ALEXANDER Lord Keith, our Treasurer Deput, and Sir JOHN MAXWELL of Pollok, Lords Commissioners of our Treasury, Keeper of the Rolls, and Treasurer of our new augmentations within the said Kingdom, with consent also of the rest of the Lords and others of our Exchequer of the said Kingdom, have given, conceded, disponed, and by this our present Charter, have confirmed, and by the tenor of the same give, grant, and dispone, and for us and our successors, with consent foresaid, for ever confirm to our beloveds,

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JAMES FLETCHER, present Provost of our Burgh of Dundee; ROBERT KINLOCH, ALEXANDER BLAIR, PATRICK YEAMAN, and GEORGE CROCKET, present Bailies of the said Burgh; THOMAS MUDIE, Dean of Gild; PATRICK TOD, Treasurer of the same; and JAMES WHYTE, Deacon Convener of the Trades of the said Burgh, and their successors in office, for the common use and avail of the said Burgh of Dundee for ever, heritably and unredeemably, without any reversion, redemption, or back going whatsoever: All and Whole those parts and portions of the lands and barony of Dundee containing and comprehending the lands and others particularly underwritten, namely: All and Sundry the lands of Dudhope, as well the third as the two part of the same, with houses, buildings, yards, mills, mill lands, and multures of the same, together with the tiends, rectorage, and vicarage of the said lands; and All and Whole the Burgh of Barony of Rottenraw, commonly called the Bonathill of Dundee, with the tenants, tenandries, and services of free tenants of the same, and all dues, privileges, immunities, and commodities pertaining thereto: All and Whole the advocation, donation, and right of patronage of the Church of Dundee, and the rectory of the same, and garbal tiends within the parish thereof; and All and Sundry the acres of East Ferrie, with houses, buildings, and pertinents thereof; and All and Whole the lands and salmon fishing of Draffine, with the pertinents; and All and Sundry the lands of Duntrune and Baldivie, with mills, mill lands, multures, and sequels of the same, tenants, tenandries, and services of free tenants thereof, all lying within the parish of Dundee: and All and Whole the lands of Kirktoun, tenants, tenandries, and services of free tenants thereof, lying in the parish of Maynes, all lying within the Sheriffdom of Forfar: and All and Sundry the pleugh lands, commonly called the Oxengate of Katecults and Catermilnes, lying in the parish of and Sheriffdom of Perth; and generally all other lands, acres, and houses lying about the Burgh of Dundee and Dudhope, of whatsoever name and designation the same may be, which belonged to the late CHARLES, Earl of Lauder-

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dale, excepting and reserving always from the foresaid lands the manor place of Dudhope, with the yards, orchards thereof, and warrens or parks enclosed by a stone wall; also the dominical lands, namely, the Maynes of Dudhope, with houses, buildings, yards, and pertinents of the same, and those acres called Chapelshed acres, and those acres called Blackness acres, which were acquired by the said CHARLES, Earl of Lauderdale, from the deceased Sir ALEXANDER WEDDERBURN of Blackness, and were disponed by the said Lord to RICHARD, Lord Maitland, his son, by his contract matrimonial; moreover, excepting that large building or dwellinghouse in Dundee, and the rest of the Barony of Dundee lying in the Sheriffdoms of Fife and Argyll, with which the lands and others excepted as beforesaid shall in no way be comprehended in this our present Charter, but only the parts and portions of the said lands and Barony of Dundee containing and comprehending as is aforesaid, as before the aforesaid exception was expressed and contained, and that for the principal: Moreover, All and Whole those parts and portions of the lands and Barony of Hattoun underwritten, namely, the lands of Nortoun, the lands of Platts, the lands of Westhall and Northraw of Ratho, the lands of Overgogar, the lands of Gatesyde, being part of the dominical lands of Hattoun, the lands of Spitletoun, with the park of Hattoun, the lands of Rodinlaw, with houses, buildings, yards, parts, pendicles, and pertinents thereof, all lying within the parish of Ratho and Sheriffdom of Edinburgh; and that in real warrandice and security of the lands, teinds, patronages, burgh of barony, tenants, tenandries, and services of free tenants, salmon fishings, and others, principally disponed as said is, so that if it should happen the same, or any part whatever of the same, to be evicted from the said burgh of Dundee, and the Magistrates and Councillors thereof, present or future, to be in any way molested, disturbed, distrained, and impeded in the peaceable possession thereof, and in raising and receiving assessments, farms, profits, and dues thereof, then in that case the Magistrates and Council of the said Burgh for the time, and their successors in place and office,

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shall have full and free access and ingress in and to the lands, teinds, and others above disponed in warrandice of the same, and to the assessments, farms, profits, and dues thereof, at least to so much of the same as shall correspond in quantity, quality, and yearly duty to the said eviction and distraint, to be peaceably and quietly bruiked, enjoyed, occupied, and possessed by the said Magistrates, Council, and Community of the said Burgh for the time, and their successors in office, for the common use and avail of the same, until the said Burgh shall be reponed and restored to the whole against the said eviction and distraint, and shall peaceably and quietly bruik, possess, and enjoy the lands, teinds, patronage, burgh of Barony, tenants, tenandries, and services of free tenants of the same, salmon fishing, and others above written, principally disponed as said is, without any obstacle or impediment whatsoever. Which lands, burgh of barony, teinds, patronage, and others above-written, with their pertinents, formerly belonged heritably to JOHN, now Earl of Lauderdale, and Sir ROBERT MILNE of Blackburne, held by them immediately of us, and on the seventh day of the month of July instant, were by them and their lawful procurators, in their name specially constituted to that effect, by virtue of patent letters of procuratory contained in a Disposition made and granted by them, with consent of Sir DAVID THORRS of Inverleithing, advocate, to and in favour of the said Magistrates and Council of the said Burgh of Dundee, and their successors in office, of date the fifth day of March the year of God 1697, duly and lawfully resigned, with all right, title, interest, claim of right, property, and possession, which they or either of them could claim or pretend to the same, in the hands of the said Lords of our Treasury and Exchequer, our Commissioners having power to receive resignations and to grant new infeftments, as in our hands immediate lawful superior thereof, in favour and for this our new infeftment of the same, under our great seal, to be made, given, and granted to the said JAMES FLETCHER, present Provost of Dundee; ROBERT KINLOCH, ALEXANDER BLAIR, PATRICK YEAMAN, and GEORGE

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CROCKET, present Bailies of the said Burgh; THOMAS MUDIE, Dean of Gild; PATRICK TOD, Treasurer thereof; and JAMES WHYTE, Deacon Convener of the Trades of the said Burgh, and their successors in office, for the common use and avail of the said Burgh of Dundee, heritably and irredeemably, in as due and competent form as effeirs, as authentic instruments taken thereupon in the hands of ROBERT BELL, notary public, more fully proport: And moreover, with advice and consent foresaid, by this our present Charter, we disunite, disjoin, disannex, and disincorporate the foresaid lands, burgh of barony, teinds, patronage, and others above written, with their pertinents, principally disponed, from all other lands, lordships, Baronies, or others to which formerly they were united and erected; and of new have united, erected, created and incorporated, as by this our present Charter we of new unite, erect, create, and incorporate the foresaid parts and portions of the Barony of Dundee, mills, mill lands, teinds, burgh of barony, patronage, fishings, acres, and others above written, principally above disponed, with the pertinents of the same, in one whole and free barony, in all future time to be called and designed the Barony of . And we will and ordain, for us and our successors, that Sasine to be now taken by the saids Magistrates and community of the burgh of Dundee, and by their successors and assignees in all time coming, at or upon the ground of any part or portion of the lands and others above written, shall remain and be a valid and sufficient Sasine for the said whole lands, as well principal as in warrandice above disponed, notwithstanding that the same lie not contiguous, but in different places and jurisdictions, whereanent we have dispensed, and by the tenor of this our present Charter, with consent foresaid, dispense for ever: To be held and had, all and sundry, the foresaid Lands, Burgh of Barony, teinds, right of patronage, mills, forests, fishings, and others respective above written, as well principal as of warrandice, with their pertinents, all lying in manner before written, united and erected, as said is, by the foresaid JAMES FLETCHER, present Provost; ROBERT KINLOCH, ALEXANDER

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BLAIR, PATRICK YEAMAN, and GEORGE CROCKET, present Bailies of the said Burgh of Dundee; THOMAS MUDIE, Dean of Gild; PATRICK TOD, Treasurer thereof; and JAMES WHYTE, Deacon Convener of the Trades of the said Burgh, for themselves and in name and to the use of the whole Council and community and their successors in office, for the common use and avail of the said burgh of Dundee, and their assignees whomsoever, of us and our successors, in taxed ward feu and heritage, and free barony, for ever, by all their ancient ways, meiths, and divisions, as they lie in length and breadth in houses, buildings, yards, orchards, woods, plains, muirs, mosses, ways, paths, waters, pools, streams, meadows, grazings, pasturages, mills, multures and their sequels, fowlings, huntings, fishings, peat-mosses, turf-cuttings, coals, coalheuchs, rabbits, rabbit warrens, pigeons, dovecots, smithies, maltkilns, brewhouses, plantings, woods, groves, shrubberies, wood cuttings, beams, quarries, stone and lime, with courts and their issues, herezelds, bloodwites, fines, with gallows, pit, sock, sack, thole, theme, wrack, waith wair, vert, vetch, venison, infangthief, outfangthief, pit and gallows, with common pasture, and free entry and ish, and with all and sundry other commodities, liberties, easements, profits, and their just pertinents, and whatsoever, as well not named as named, under the earth as above the earth, far and near, pertaining, or that may in any way hereafter justly belong to the foresaid lands, barony, and others above written, with the pertinents, freely, quietly, fully, wholly, honourably, well, and in peace, without any recall, contradiction, or obstacle whatsoever; the said Provost, Bailies, and Council of the said Burgh of Dundee, and their successors in office and assignees foresaid, paying yearly to us and our successors for the said lands, barony, and others respectively above written, principally above disponed, with all their pertinents, united and erected as said is, the services used and wont, and in place thereof the taxed ward duties respectively underwritten, namely, the sum of sixty-four pounds three shillings and sixpence money of Scotland yearly, at two terms in the year, namely the feasts of Pentecost and St. Martin, by equal

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portions, during ward and nonentry, when it shall happen, as the proportional part corresponding to the sum of two hundred and fifty-six pounds fourteen shillings, at which sum the whole land and barony of Dundee (of which the said land above written was a part) were taxed by a Charter granted by King CHARLES the Second to the said deceased CHARLES, Earl of Lauderdale, therein designated CHARLES MAITLAND of Hattoun, of date the twenty-fifth day of May, one thousand six hundred and seventy-two; also the like sum of sixty-four pounds three shillings and sixpence, money foresaid, for the relief thereof when it shall happen, as the proportional part of the foresaid sum of two hundred and fifty-six pounds fourteen shillings for the relief of the said whole Barony, and the sum of one hundred and twenty-eight pounds seven shillings, money foresaid, as the proportional part of the sum of five hundred and thirteen pounds eight shillings, money foresaid, paid by the said late Earl of Lauderdale for the marriage of the heirs and successors in the said whole Barony, according to the foresaid Charter, for all other burden, exaction, question, demand, or secular service which from the said Barony, with the pertinents, can be exacted or required: And in like manner we will and grant, and for us and our successors, with consent foresaid, decern, declare, and ordain that it shall be lawful to the apparent heirs succeeding in the lands and others foresaid in all time coming to obtain themselves served, retoured, entered, infeft, and seized in the said lands, of whatsoever age they may be for the time, with which, and with the judges and persons of inquest who shall be present on the said services, and with all members of Court, and others, we, with consent aforesaid, have dispensed, and by the tenor of this our present Charter for ever dispense: Besides, we of our certain knowledge and proper motive have given and granted, and by this our present Charter, for us, and our successors, do give and grant full power, faculty, and liberty to the said Provost, Bailies, and Councillors of the said burgh of Dundee, and to their successors in office, and assignees, to sell, alienate, wadset, and dispone the fore-

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said lands and others before written, united and erected as said is, in whole or in part, heritably and irredeemably, or under reversion, and to grant infeftments of annual rent from the same, to whatsoever person or persons they shall think proper, without danger of recognition following thereon; where anent we have dispensed, and by the tenor of these presents for ever dispense, renouncing by these presents all action, instance, and process which we or our successors had, have, or in any way whatever might claim, or pretend to have, notwithstanding that the said lands are held for the service of taxed ward and relief; also paying yearly for the said parts and portions of the lands and Barony of Hatton disponed in warrandice as said is (in case of eviction only), the feu farms, farms, blench farm, farms, taxed ward duties, and other duties and services (if any be) contained in the infeftments of the said CHARLES, Earl of Lauderdale, and his predecessors and authors thereof, corresponding to the said lands, for all other burden, exaction, question, demand, or secular service which could be required, or in any way whatever exacted of the same. Whereupon to the Sheriffs and their Bailies of Forfar, Perth, and Edinburgh respectively, and to our lovits
and either of them, conjunctly and severally, our Sheriffs of our Sheriffdoms of Forfar, Perth, and Edinburgh respectively, in that part specially constitute, Greeting. We command and ordain that forthwith, without delay, ye give Sasine of all and sundry the foresaid lands, burgh, barony, teinds, rights of patronage, mills, woods, fishings, and others respectively above written, as well principal as warrandice, disponed as is premised, lying and erected as above, to the foresaid JAMES FLETCHER, present Provost, ROBERT KINLOCH, ALEXANDER BLAIR, PATRICK YEAMAN, and GEORGE CROCKET, present Bailies of the said burgh of Dundee, THOMAS MUDIE, Dean of Gild, PATRICK TOD, Treasurer thereof, and JAMES WHYTE, Deacon Convener of the Trades of the said burgh of Dundee, for themselves, and in name and to the behoof of the whole Council and Community of the said burgh and their successors in office, for the common use and

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utility of the said burgh of Dundee, and their assignees whomsoever, or to their certain attorney, bearer of these presents, according to the form and tenor of our foresaid Charter, which they have from us thereupon, and dispensations foresaid: And this in no way do ye omit, for the doing whereof we commit to you, and each of you, conjunctly and severally, our Sheriffs of the shires of Forfar, Perth, and Edinburgh respectively, in that part foresaid, power. In witness whereof to this our present Charter we have commanded our Great Seal to be appended. Witnesses, our well beloved cousin and councillor CHARLES, Earl of Selkirk, clerk to us, our archives, and registers, and our beloved ADAM COCKBURN of Ormiston, clerk to our Justiciary, and our beloved Sir CHARLES KERR, Knight Baronet, Director of our Chancery, at Edinburgh, the twentieth day of the month of July, the year of God one thousand six hundred and ninety-seven, and of our reign the ninth year.

Written to the Great Seal, and Registrat the Eleventh day of August, 1697, &c., &c.

(Signed) DUN. RONALD, Dept.

Sealed at Edinburgh the twelfth day of August, 1697.

(Signed) S. HOME.

Note.—This Crown Charter in favor of the Town proceeded upon a resignation of the Estates to the Crown by the Earl of LAUDERDALE and Sir ROBERT MILNE, on behalf of the Creditors of the late Earl, for new investiture to the Town to confirm by Crown-holding the purchase of the Properties by the Town for the price of "fourtie thousand nyne hundred and nynty pounds Scots." The Disposition by the Earl's son and Sir ROBERT MILNE, following on the sale in favor of the Town, recorded in the Books of Council and Session on 10th April, 1738, an Extract of which will be found under No. 5, Box 3 (Hilltown Writs), besides the Dudhope Properties, Superiorities, and Estates as embodied in the subsequent Crown Charter, proceeds—"sicklyke we hereby Sell and Dispone to the Magistrates, Council, and Community of the said Burgh, for the use thereof, the heall Seats, Desks, and Burial-place which belonged to the family of Dudhope within the Kirk of Dundee, with warrandice from our own facts and deeds allenarly."

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The Town by this transaction, besides the Patronage of the Parish Church of Dundee, acquired all the Estate and rights in the Dudhope Estates, Barony, and others, held by Lord LAUDERDALE, with the exceptions as specified in the Charter. The properties so purchased by the Town were extensive, and lying on, around, and to the eastward of the Law Hill. It included, besides the Superiorities of the feued portions of the Hilltown proper on both sides of the street, the lands around the Law, which subsequently became to be known as Coldside, Backside, Hospital or Stirling's Park, Easter and Wester Clepington (superiority), Caldrum Green, Hogfaulds, also the Forebank and Laighshed, Seamen's Acres, the lands feued to the Guildry, Kirk Fabric, Shortbank Acres, the Cathcart Mortification, Roger's Mortification, and Poor Widows' Fund, to the westward of the Hilltown.

The Town, about the beginning of the 18th century, became greatly involved in debt, and the Creditors were pressing for payment. The Council were urged to dispose of the Hilltown Property and Barony, with the Feus, but, considering the main object in acquiring the Barony, declined to do so. They however resolved to dispose of the unfeued lands acquired under the purchase and Crown Charter. The resolution in the following Minute of Council, dated 6th December, 1705, was accordingly come to :—

MINUTE OF MEETING OF COUNCIL, 6th DECEMBER, 1705.

"The Councill, with the Conveener and nyne deacones of Trades, being conveened to considere ane proposall by the Comitie of the Towne's Creditors for selling the Lands of Hiltowne and Logie, alswell propertie as superioritie, at and against the first Tuesday of ffebey next, they approve of the proposall for selling the Lands of Logie, both propertie and superioritie. But considering that the Barronie of Hiltowne, and the superioritie thereof, was purchased by the Towne for weightie reasones, such as the preventing trouble and expenses by want of the Patronage of the Kirk of Dundie, and for hindering persones to sett up in the Barronie of Hilltowne to the prejudice of Merchts residing and trading witin the Burgh. And considering likewise that ther are several Inhabitants in the Hilltowne that are burgesses of this Burgh, and pays stent with the Burgesses yrin, Therefore the ps Council and Trades, after voting, are unanimously of opinion that the superioritie of the Hiltowne and Patronage be not sold, But desires the lands to be feued out to as many people as will take the samen, to be holden of the Towne."

The Lands and Estate of Logie were disposed of to ALEXANDER WEDDERBURNE of Blackness, at the small price of 17,500 merks, or less than £900 Sterling, and a considerable sum was realized from the sale of the other lands of Dudhope and Hilltown towards payment of the Town's Debts.

There is a Minute of the Council, of date 7th September, 1706, in which they divided the cess of the feued portion of the Barony and Lands of Hilltown among the parties who had feued and acquired the same from the Town, in terms of the foregoing resolution of Council, as follows :—

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	Valued Rent.
The Poor Widows' Fund,	£17 5 4
Roger's Mortification,	28 15 6
The Seaman Fraternity,	69 1 2
The Kirk Fabric,	44 6 4
The Kirk Poor,	11 10 2
The Guildrie,	17 9 4
The Clerk (WEDDERBURNE, for Clepington),	309 4 4
The Hospital Fund,	101 0 2
Bailie ABERCROMBIE,	55 10 4
Wm. MORRISON (of Naughton),	38 13 0
The Catechist (Fund),	21 1 10
The Town (left)	121 6 6
	£835 4 0

By a Minute of Council of 25th September, 1706,—The Councill having considered the forsd Report, they find that the sowme of Thirtie-seven thousand one hundreth and six pounds two shillings is payed to the Towne's Creditors by the price of the Lands, &c., sold to sundrie persones, as follows :—

By the price of the lands of the Hilltoune sold to Wm. MORRISON, amounting to	£1,869	3	8
By lands disponed to the Poor Widowes,	841	13	8
By lands disponed to Roger's Mortification,	1,403	2	6
By lands disponed to the Seamen,	3,366	12	8
By lands disponed to the Kirk Fabrick,	2,151	8	4
By lands disponed to the Kirk Poore,	562	10	0
By lands disponed to the Gildrie,	841	13	8
By lands disponed to the Clerk (WEDDERBURNE),	9,727	0	2
By lands disponed to the Hospitall,	4,917	4	2
By lands sold to Bailie ABERCROMBIE,	2,675	0	0
By lands disponed to the Catechist,	1,016	6	8
By lands of Draffin sold to HUNTER (Burnsyde),	899	6	8
By balance of the price of Logie, resting by Blackness (WEDDERBURNE),	5,000	0	0
By the nolt (cattle) and house of Logie, bought by Blackness,	696	0	0
By the grouth of the Lands of Logie cropt 1706, bought by Blackness for	1,100	0	0
By ye value of small plenishing rouped,	39	0	0
	£37,106	2	2

NOTE.—In addition to the above sum, a sum of 10,000 merks—being part of the price of Logie—was paid by WEDDERBURNE towards Wilkie's Mortification debt.

All these lands were parts of the Estate of Dudhope and Barony of the Hilltown acquired by the Town by purchase from the Earl of LAUDERDALE, and contained in the Crown Charter of 1697, with the exception of the lands of Logie, which belonged to the Town before that date.

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The following Account of the State of the Town's Affairs, immediately prior to these Sales in 1706, will show its desperate position :—

ACCOMPT of the Present State of the Burgh of Dundee as to Their Yearly Revenues & Constant Expence.

YEARLY REVENUES—DEBITOR.					YEARLY EXPENSES—CREDITOR.				
		£	sh.	d.			£	sh.	d.
Impr	The Rent of the Towns Milnes as presently farmed .	2706	13	4	Impr	To ye ministers Stipend yearly	1866	13	4
Itt :	The Petty Chatomes yearly	1040	..	..	Itt :	To Schoolmasters & Doctors Sallaries . . .	528	6	8
Itt :	The Pack Horse	356	13	4	Itt :	To Sallaries payed The Town Clark & other Servants	724	10	6
Itt :	The Salmond fishing	185	..	..	Itt :	To the Officers Cloaths	280	..	..
Itt :	The Vicarage	88	..	..	Itt :	To the Colledge Bitrers	144	..	..
Itt :	The Flesh Horse	130	..	..	Itt :	To making up the Towns Equie	52	18	..
Itt :	The Fews of Some Booths and Salmond fishing .	49	4	4	Itt :	To Burrows dies as Last year	760	..	..
Itt :	The Lime Potts and Grass at ye West port . .	13	10	..	Itt :	To Necessary Charges for maintainance of ye milns yearly	400	..	..
Itt :	The Rent of ye fish and flesh Stocks . . .	90	..	..	Itt :	To Maintinance of Bllworks Calseyes Ports Tolbooth and other Publick works . . .	600	..	..
Itt :	The Money rent of the Lands of Hiltown & Logie .	742	16	4	Itt :	To Commissioners Charges for attending ye Parliat Generall and Particular Conventions of Bllrrows and other Extraordinary Inevitable Occasionall Spending within the Town	1333	6	8
Itt :	The Victuall Rent of the Hiltown being 243 Bolls bear, as sold Last Year at 6 *lib.* pr Boll .	1458	..	..	Itt :	To Grass about St ffrancis Well	42	6	8
Itt :	The Two Bolls & ane half meall at 5 *lib.* pr Boll .	12	10	..	Itt :	To the Rent of ye Leigh Customhouse . . .	53	18	4
Itt :	The Rent of ye Lands of Logie being seven Chalders & ane half Victuall at 80 *lib.* pr Chalder overhead *Communibus Annis*	600	..	..	Itt :	To the yearly @ rent of the Fyfell Stim of One Hundred Twinty Two Thousand flottr Hundred Eighty seven Pottnds being the Towns present Debt at 5½ pr Cent.	6786	16	4
	Ballance	7497	7	4					
		6024	4	4					
		13521	11	8			13521	11	8

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Of the other Properties and Subjects acquired by the Crown Charter of 1697, and not formerly disposed of, the Council, by Minute dated 17th September, 1766, resolved to sell, as follows :—

"17th September 1766.

"The Council taking to consideration that it would be greatly for the advantage of the Town to sell the superioritys and Fews aftermentioned, and providing a good price was offered for the same, which superioritys and Fews holds of the Town, and are as follows, vizt., The superioritys and Fews of Eastor and Westor Clephentowns, one third part of Craigie (held of old under the Contracts of Feu), and the superioritys of Drumgeith and Baldovie and Duntron and Draffen. The Council therefore agree to sell the same in the division as above mentioned, vizt., the said superiority of Easter & Westor Clephentowns in one sett, The superiority of one third part of Craigie in another sett, Superiority and Fews of Drumgeith and Baldovie in another sett, and the superiority and Fews of Duntron and Draffen in another sett, appoints the same to be advertised in the news papers to be publickly sold upon Wedensday the Twenty-nint day of October next—the Roup to be within the Council Room of this Burgh,—and appoints the present and old Magistrates as a Committie to make up Articles of Roup thereanent."

These subjects were accordingly sold at the following prices :—

The Superiorities of Craigie to Mr. JAMES GUTHRIE, for... £500 Stg.
The Superiorities of Easter and Wester Clepington to
Mr. WILLIAM GUTHRIE, ...at £235 Stg.
The Superiorities of Baldovie and Drumgeith to Mr.
THOMAS MILN of Milnfield, ...at £2,300 Stg.
The Superiorities of Duntrune to Mr. ALEXANDER
GRAHAM, Merchant, Arbroath, ...at £770 Stg.
And Draffin to General HUNTER, ...at £74 18/10 Stg.

With the exception of Clepington and Draffin, which belonged to the Town, these subjects belonged partly to the Town and partly to the Hospital, and the prices were divided between the parties conform to their interests, all as detailed in a Minute of the Town Council of date 16th January, 1768.

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MAINS OF DUDHOPE.

CONSTITUTION ROAD, AND CHAPELSHADE LANDS.

[In 1749 the Town Council, with the view of preparing for the extension of the Burgh, resolved to feu from the then proprietor of the Mains of Dudhope (Mr. BOYES) about forty-four old acres of the Mains adjoining the Burgh, and bounding on the south with the Hospital Wards and the Town's Meadows. These feued lands from the Mains property was a separate and subsequent transaction from the purchase of the Hilltown Lands from LAUDERDALE, and were part of the subjects or dominical lands exempted from the original purchase by the Town from Lord LAUDERDALE, as contained in the Royal Charter to the Town in 1697. These subsequently feued lands of the Mains extended northward from Bell Street toward the Hill to the present Dudhope Terrace Road, including the greater part of Messrs GILROY'S Works, FERGUSON & SONS' Works, to Session Street, the present site of the Court Houses, Prison, Constitution Burying Ground, Chapelshade, old Cattle Market, Dudhope Crescent, and Infirmary Grounds, then eastward by the Dudhope Terrace Road, turning northward from the east end of Somerville Place to the northern boundary of the feus of Mr. HEAN and Mr. BEGG, where it bounds with the Hospital Park, and thence southward, including the Bleaching Green and Garland Place, the feus in the Constitution Road to the westward of Dallfield, Chapelshade, the Ladywell, to Bell Street.]

No. 17. of Inventory (Lands of Dudhope, &c.)

The following are Excerpts from the Feu-Charter, dated 10th May, 1749, between Mr. BOYES *and the Magistrates and Council, of the subjects, (recorded in Burgh Court Books 23rd June, 1755):—*

ALL and Whole, these parts and portions of the Mains of Dudhope belonging to him (THOMAS BOYES), called the Chapelshade, lying upon the east and west sides of the road leading from the Town of Dundee to the House and Parks of Dudhope, together with that piece of ground or kail yard lying at the south-west end of the Bucklemaker Wynd, and consisting—the said lands of Chapelshade, Easter and Wester, and kail yard—of 24 acres of ground or thereby of old measure; as also these twenty acres or thereby of arable land lying upon the north side of the road leading from the said Bucklemaker Wynd to the House and Parks of Dudhope, and then possessed by WILLIAM LYON, Writer in Dundee, WILLIAM STRACHAN, Brewer, JAMES KALMS, Cowfeeder, ALEXANDER KINMONOND, Mason, and the said THOMAS BOYES, all lying upon the north side of the

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Town of Dundee, bounded as follows,—with the Hospital Ward dyke and march stones, all adjacent thereto, and the Meadows belonging to the Town of Dundee, on the south; a small spot of grass, likewise belonging to the Town of Dundee, called the grass at the Ladywell, and the west dyke of a yard called the Ladywell Yard, including the said kail yard at the south-west end of the said Bucklemaker Wynd, and from thence along the Road leading from the Bucklemaker Wynd to the House and Parks of Dudhope *(Dudhope Street)* to a march stone upon the north side of the road opposite to the south-west march stone of the ground feued out by the said THOMAS BOYES to ROBERT SKIRLING, Maltman in Dundee *(Dallfield, at Dudhope Street)*, and from thence northward by a line of march stones to the south-east corner of the enclosure belonging to the Hospital of this Burgh, and presently possessed by the said ROBERT SKIRLING *(Hospital Park)*, and from thence along the south end of the said enclosure to the south-west corner thereof, and from thence in a straight line southward to the road which leads to the Mains of Dudhope, from the Hilltown of Dundee *(Mr. P. HEAN'S Feu)*, and from thence along the south side of the said road *(Dudhope Terrace)* in a straight line westward to a march stone opposite to the north-east corner of the dyke of the Parks of Dudhope *(North-east corner of Barrack Park)*, and upon the east side of the road leading from the said Mains of Dudhope to the Town of Dundee, and from thence southward and eastward along the said road leading from the Bucklemaker Wynd to the House and Parks of Dudhope *(Barrack Road and Dudhope Street)*, and from thence along the said road and upon the south side of the Trees planted below the said road to the east dyke of Dudhope *(East corner of Barrack Grounds at Lochee Road)*, and from thence along the said dyke southward *(across Lochee Road and along Brown Street)* till the foresaid north dyke of the Hospital Ward *(a little south of the line of West Bell Street at Lochee Road)*, together with the grass ground lying upon the east and south sides of the trees planted without the gate of Dudhope; and all right and title that the said THOMAS BOYES

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had to the foresaid Trees and ground whereon the same are planted—all lying within the Parish of Dundee and Sheriffdom of Forfar, together with the haill parts, privileges, pendicles, and pertinents thereto belonging: To be holden of the said THOMAS BOYES in feu-farm, for payment of £60 Scots yearly of feu-duty, and paying yearly £260 Scots of stipend to the Parson or First Minister of Dundee, being the whole stipend payable out of the said Lands of the Mains of Dudhope: And in case the said Magistrates, &c., shall sell the whole or any part of the said subjects, that the lineal heir to the vassal shall pay to the said THOMAS BOYES the double of one year's feu at his entry, and a singular successor shall pay the sum of £500 Scots at his entry, in case of his purchasing the whole of the said subjects, and so in proportion for any portion thereof that may be sold; and it is thereby agreed that the said Magistrates, &c., shall pay Cess upon the said subjects corresponding to £425 12s. 2d. Scots of valued rent.

The Feu-Duty of £60 Scots, or £5 Sterling, is still payable by the Town to the Proprietors of the Mains of Dudhope for the above lands so feued in 1749.

Ratification, Agreement, and Obligation between the Provost, Magistrates, and Council and the Nine Incorporated Trades, as to their privileges, and their paying towards the Stipend of the Ministers of the Burgh. In Council Minute of 24th September, 1699.

THE said day, the Provost, Bailies, and remanent members of Councell taking to their serious consideration ane petition given in to them be JAMES WHYTE, present Deacon Conveener of y^e^ craftes of y^e^ said Burgh of Dundie, ffor himself and in name and behalfe of

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y^e remanent nyn Trades of y^e samen, shewing that their Predecessors, Provost, Baillies, & Councell of y^e said Burgh, be their Ratification of y^e date the last day of Februar, Jaj. vic. and sixtie years, mentioning the said Provost, Bailies, & Councell, their predecessors all wi^t ane consent and in ane voice to have taken to their consideration, That, forasmuch as the heall deacons and masters of y^e Craftes of y^e baxters, skynners, fleshers, smiths or hammermen, taylors, cordiners, walkers, websters, and bonatmakers of this Burgh, with Ratificatione, Probatione, Consent, and Confirmatione of y^e saids Provost, Bailies, and Councell, their predecessors for the time, Granted and Gave certain contributions, stents, and duties to ane chaplain dayly to sing and say their service then used at ilka ane of their pretended Patrons' altars, as the Letters made to ilka ane of the saids Craftes, under the seal of cause of this burgh, at mair lenth did proport; And subsuming that, because God of his infinite goodness hade then declared and shown his speciall grace not only to the then Provost, Baillies, and Councell of the said Burgh, but also most favourable to y^e saids craftes, and generally almaist to y^e heall realm of Scotland, be y^e clear light and sincer preaching of his Holy Word. Through the qlks. it was then considered that the said cause wherefore the said Letters were given to ilke ane of y^e saids craftes, vizt., for upholding the s^d Idolatrie, was manifest wicked and ungodly, and express against the Comon Profession; and that then the deacons and masters of y^e foresaid craftes present had consented and oblidged themselves to give yearly for y^e uphold of faithfull ministers in this congregation for preaching of y^e word of God and administration of y^e sacraments sincerely y^r until the soumes of money y^r in expressit, ilke ane of them for y^r own partes, conform to y^e particular division contained in the said ratificatione, Extending in the heall to twenty-six pound thirteen shilling four pennies, and that at two terms in the year Whitsunday and Martinmas, be equall portiones: Wherefor the then Provost, Baillies, and Councell of this Burgh, for them and their successors, ratified, approved, and confirmed the foresaid letters of

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Ratificatione made and given be their saids predecessors to y^e^ foresaids craftes, and every ane of them, and of all stents, taxes, contributiones, unlaws, liberties, and privileges contained y^r^intill, Except only the upholding of y^e^ said pretended chaplain & altar: In place y^r^of they should pay the saids ministers for y^e^ uphold the services befor-mentioned, as God and good conscience would, but (without) obstacle, contradiction, or revocatione, As the foresaid ratificatione, containing in the end thereof ane provisione that y^e^ forsaids letters should not bind the saids craftes perpetuallie to y^e^ pay^t^ of y^e^ soumes above writen for y^e^ uphold of y^e^ saids ministers, But till such time, and ay & while further and good order and generall reformation should be made in such cases throughout the whole realme: And that y^e^ said ratification should stand in the meantime in effect: And that the giving and offering of y^e^ said letter should be no wayes hurtfull nor prejudiciall to y^e^ saids old letters of y^e^ saids craftes, nor na privilege y^r^of, But the samen to remain in fortification and coroboration y^r^of, Except befor excepted: And that y^e^ forsaids letters should not prejudice nor make no innovation to y^e^ Contract made betwixt y^e^ Magistrates and Craftes since y^e^ date of the saids letters, But rather alsa fortification y^r^of, as is above expresst, Of the date forsaid showen to the saids Provost, Bailies, & remanent members of Councell, in it self more amply proports. And seeing the saids petitioners and their predecessors has and doe continue yearly in pay^t^ to the ministers of this burgh of y^e^ soume of sixtie-seven pound threeten shilling four pennies, which is farr above what formerly they were bound for, conform to y^e^ forsaid Ratificatione, And Therfor Craving to the effect following:—Which petitione and ratificatione adduced being at lenth heard, seen, and considered be the saids Provost, Bailies, and remanent members of Councell of y^e^ said burgh, And they being y^r^unto weell and riply advised, have ratified, aproven, and confirmed, and hereby, for them and their successors in office, ratifie, approve, and confirm, To the said JAMES WHYTE, present conveener of y^e^ Craftes of y^e^ said burgh, for himself, and in name

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and behalf of y^e^ nyn sev^all^ incorporations of y^e^ samen burgh of Dundie, In their sev^all^ classes following,—In *Primo*, baxters; *Secundo*, cordiners; *Tertio*, glovers *alias* skinners; *Quarto*, taylours; *Quinto*, bonatmakers; *Sexto*, fleshers; *Septimo*, hammermen; *Octavo*, weavers; *Nono*, walkers, and y^r^ successors in place and office rẽctive, All and Sundrie privileges and freedomes prẽntlie possesst and enjoyed be the saids Conveener and sev^all^ trades as aforsaid, or as they or any of them has or might have enjoyed y^e^ samen at any time bygone be vertue of any former Acts granted in either of y^r^ favors, And that in y^e^ heall heades, articles, clauses, and conditions and obligations contained in any former Acts granted in favor of y^e^ said Conveener for himself and in name and behalf of y^e^ said nyn several Incorporations, as aforesaid, and their successors, Declaring always this present Ratificatione, approbation, and confirmation of y^e^ heall privileges and freedomes of y^e^ saids nyn sev^all^ Incorporations to be also valid, effectuall, and sufficient, to all intents and purposes, as if all or every one of y^e^ rights and warrands for y^e^ saids sev^all^ privileges, in heall or in part, were herein speciallie insert and engrossed. Q^r^anent, and w^t^ all y^e^ defects and imperfections that has or may follow on any of y^e^ saids Writes, The saids Provost, Bailies, or Remanent Members of Councell have dispensed, and hereby dispenses for ever: Providing and declaring always, as it is hereby expresslie provided and declared, that this present Act and Ratificatione shall no wayes prejudice any former Acts granted by the said Provost, Bailies, and remanent members of Councell, or their predecessors, in favors of y^e^ Conveener and Trades, neither shall it make any Innovation thereof; But, on the contrar, it shall fortifie, corroborat, and strenthen in the heall heades, tenors, and contents y^r^of, as said is: Providing also, as it is hereby speciallie provided and declared, that y^e^ said conveener and deacons of y^e^ nyn trades, as aforesaid, shall be obliged, as by acceptation y^r^of they bind and oblige them and their successors in office, to content and pay to the two stipendiary ministers of this Burgh the foresaid soumes of sixtie-seven pound thirteen shillings and four pennies Scots money,

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and that at two terms in y^e^ year, Whitsunday and Martinmas in Winter, be equall portiones—Beginning the first termes pay^t^ at Martinmas next, jaj. vic. nyntie-nyn years, and sua forth yearly and termly y^r^after.

Note.—The Guildry, Nine Trades, and Seamen Fraternity had for many years contributed yearly a share of the Stipend to the Minister of the South Church. It was paid direct to the Minister, but when the then Minister (Dr. TAYLOR), in 1860, refused to take the small Stipend of £105, alleged by the Town to be the legal Stipend, and raised an action against the Town for his share of the Hospital Fund, these contributions were not taken, and arrears accumulated during the course of the tedious litigation. After the passing of the Churches Act of 1864, when the Town and Hospital had to increase the Stipend, and pay up bygones, those sums in use to be paid by the Guildry, Nine Trades, and Seamen Fraternity, and then in arrear, were declared to be payable to the Town as part of the increased Stipend. The Town accordingly made claim for these arrears, but the Incorporations refused, alleging that they were merely voluntary contributions, and that now there was no obligation on them to pay. In 1866, Mr. KERR, Town Clerk, reported that the parties had been in use to pay since 1624, and he quoted a Minute of Council and Deacons of Trades regarding these payments (29th July, 1624), when Mr. JOHN DUNCANSON was elected to be one of the Town Ministers for serving the cure of the Kirk of the Burgh, stating that his Stipend was to be 800 merks, with £60 Scots for house Mail. The 800 merks were to be paid—500 merks by the Treasurer of the Burgh out of the Burgh Funds, and 300 merks by the Hospital Master. "Of the 300 merks the said Hospital Master shall be relieved yearly by the Collectors of the Gild, the Mariners, the Litsters, and the Maltmen, of sa mickell as they *have been in use to pay of before*, viz., the Gild, three score merks; the Crafts, fifty-two merks; the Sailors, thirty merks; the Maltmen, thirty merks, the Litsters, twelve merks." These sums, Mr. KERR reported, agreed substantially with the modern payments. Mr. KERR farther reported that he found no special reason given for the payment, but he supposed it must have been by some prior arrangement. It will now be seen from the foregoing Agreement and Obligation that such was the case, and that the obligation is an onerous one. The later Agreement refers specially to the more ancient one, and the foregoing Confirmation by the Council of the Trades' rights is made subject to the payment towards the Stipend. The Obligation seems therefore indisputable. The arrears should now be paid, and the contribution continued as in former times. The Guildry have also since paid, having seen the obligation to that effect in the Deed of Discharge between the Town Council and them in 1817, after printed.

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Ordinance by the Council against Double Voting for Magistrates, 1695.

At a Council Meeting, 15 April, 1695,—

THE Provost, Bailies, and remanent Members of Counsell taking to their consideration that sometymes some of y^e^ Magistrats and Counsell of the Burgh are tradesmen, and are incorporat and received in among the free trades of this Burgh, and goes to the Howff, or ordinar buriall-place of this Burgh, where the deacones of Crafts choises yearly their Deacon Convener and Deacones of Trades, and y^r^ gives their vote among the trades in nominating and electing the Magistrates, Dean of Gild, and Treasurer of the said Burgh, to the great confusion and disturbance of the peace of the burgh. For remedieing q^r^of in all time coming, The Counsell statutes and ordains that whatsomever Magistrat or Merchant Counciller shall hereafter goe to the Howff and y^r^ give y^r^ vote amongst the trades in electing any of the Magistrates, Dean of Gild, or Treasurer, that they so going to the howff and voting amongst the trades shall *ipso facto* hereby lose his or their vote in electing of y^m^ in the Counsell-house, and ane oyer person shall be chosen by the Counsell to vote for him or y^m^; and ordains this Act to be read every election day.

Note.—The Trades were in the practice immemorially of electing their Deacons in the Howff, and the practice only ceased when the Trades built their new Hall at the east end of High Street in 1778.

Act prohibiting Town Officials from interfering in Elections.

At a Council Meeting, 21 September, 1703,—

THIS day there was an Act read, dated 15 April, 1695, discharging any of the Town's Servants, from the highest to the lowest, to meddle or have any hand, directly or indirectly, in the Election of Magistrates or Members of Counsell, Deacon Convener or Deacons of

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Crafts, under the paine of being deprived of their offices. As also, there was read Act of the Counsell discharging any of the Magistrates or Counsell to goe to the Howffe and give their vote amongst the Trades in electing of the Magistrates, Dean of Gild, or Treasurer, with certification, if they so do, they shall *ipso facto* loss their vote in electing them in the Counsell House, and another person shall be chosen be the Counsell to vote for them. The said day there was read Act of Council, dated 28 April, 1694, discharging all burgesses who doe not reside within the Burgh and pay Scott and Lott with their neighbours to have any vote in electing Magistrates, calling of Ministers, and choising Deacons of Crafts at any time hereafter so long as they live in the country and do not reside within the Burgh.

Ancient Oath to be administered to Burgesses on admission, adjusted in 1708.

(This was repealed by the Act of Parliament 1819.)

THE Councell having considered y^e^ Burgall Oath, insert in y^e^ locked Book of Burgesses, have thought fitt to alter the same, as follows, vizt., The Aith and faithfull protestation or promise to be made by every burgess and brother of Gild insert in this Book, as amended y^e^ seventh of February, 1708 years,—I shall serve, fear, ⁊ obey y^e^ Eternall Lord our God; I shall profess, maintain, ⁊ continue in y^e^ true reformed protestant religion, and abhor and detest all other Religions repugnant ỹrto; I shall be leall and true to y^e^ Qucen's Majestie of Great Brittan, ⁊ her Highnesses most noble successores; I shall fortifie ⁊ defend, after my power, y^e^ comon wealth of y^e^ burgh of Dundie; I shall reverence ⁊ obey y^e^ Maĝrats ỹrof, specially y^e^ Provost, Baillies, ⁊ Councell of y^e^ samen, and all y^r^ good ⁊ godly laws ⁊ statutes; I shall likewise be obedient to y^e^ Dean of Gild of this Burgh, ⁊ shall be subject to his jurisdiction, ⁊ all his privileges,

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acts, ⁊ ordinances made for y^e weell ⁊ common Estate of y^e Gildry; I shall make concord among neighbours where discord is; I shall not hid, conceall, nor y^t trafique with any unfreement goods under colour of my own occupation, ⁊ shall not procure ⁊ be partner with of any monopoly. Whilk promises I obliege me to observe ⁊ fulfill during all y^e days of my lifetime, Be ye holy name of God y^e father, sone, and holy ghost. Amen.

The Rebellion suspected.

At Meeting of Town Council, 29th July, 1715,—

BAILLIE ROBERTSON represented to the Counsell that he was informed of a suddain invasion to be made by the Pretender with a forraigne force from parts beyond Sea;—Did therefore think fit to Conveen the Counsell to consult with them what was proper for security of the town; which being considered by the Counsell, they hereby unanimously agree that guards be kept, and receive their orders from Baillie ROBERTSON, Provost GUTHRIE, and the Dean of Gild.

In the Volume of the Council Minute Book, the Minutes stop on the eve of the Rebellion of 1715, and the remainder of the leaves of that volume are not written on. This is accounted for by the Town Clerk (Mr. WEDDERBURNE) and the great majority of the Magistracy and Council being inclined to the Jacobite principles, and siding with the rising of the Earl of MAR in favour of the Pretender. The Town Clerk and most of the Magistrates openly espoused the cause of the Pretender, and indeed administered the Town's affairs for his behoof. On the approach of the Government Forces, under the Duke of ARGYLL, they fled, and left the Town without a Magistracy or Council. The Duke accordingly issued the Proclamation or Order, as follows (a Simile of which is given):—

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160. entory.

Order by the Duke of ARGYLL, *1716.*

JOHN, Duke of Argyll, General and Commander-in-Chief of His Majesty's Forces in North Britain, &c.

Whereas there are no Magistrats at present in this City who can act or take care of the affairs of the City, whereby His Majesty's service as well as the City may suffer, you are therefore hereby required and authorised to take upon you the care of this City and the affairs thereof till such time as the Proper Magistrats can be appointed by lawful authority.

Given at Dundee the 3d February, 1716.

(Signed) ARGYLL.

To Mr. JOHN SCRYMGEOUR,
JAMES ALISON, DAVID MAXWELL,
ALEX. PRESTON, JAMES FAIRWEATHER,
and Mr. MUNGO MURRAY.

The King thereupon granted warrant for the Inhabitants electing a Magistracy and Council by the following Order :—

ATT the Court of St. James's the 10 day of March, 1716,—

The KING'S MOST EXCELLENT MAJESTY in Councill.

UPON reading this day at ye board a memoriall from ye Right Honble Sir DAVID DALRUMPLE of Hailes, Barronet, his Majestie's Advocate ; the Right Honorable ADAM COCKBURN of Ormistoun, Lord Justice Clark, and Sir JAMES STEWART of Goodtrees, Barronet, his Majestie's Sollicitor, dated in Edinburgh the 20th February last, and directed to ye Right Honorable the Lord Viscount TOWNSHEND, his Majesty's principal Secretary of State, touching ye most proper method of resetling ye Magistracy of severall towns in North Brittain in such manner as may most contribute to the restoring of the peace of those towns, and to ye securing ỹrof for the future : And whereas it hath been represented to his Majesty that severall Burghs in North Brittain were att Michaelmas last (the ordinar and legall time of their election of Magistrates) entirely hindred from makeing such election,

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according to their severall constitutions, or that where the formality of election has been observed, being then under the power & inspection of y^e^ Rebells the freedome of such election has been thereby restrained. And the Burgh of Dundie, in particular, having lying under such or the like circumstances befor mentioned. His Majesty in Councill, takeing the same into consideration, is pleased to order, and it is hereby ordered, that a popular election be made by y^e^ Burgesses & inhabitants resident w^t^in and bearing a share of y^e^ common burdens of y^e^ said Burgh of Dundie, by poll of twenty-one persones to be common councellours, with powers to them to elect their office-bearers, according to the sett and constitution of y^e^ said Brough, to y^e^ end y^t^ y^e^ Magistrates and Counsellours of y^e^ said Brough may continue from that time foreward untill y^e^ ordinar time of y^e^ annuall Change of the Magistrates & Counsellours of y^e^ said Brough in y^e^ year to come; and it is hereby further ordered, That y^e^ Duke of DOUGLAS, Lord-Lievtenant of the Shire of Angus (within which the said Brough lies), and Constable of the said Brough, and his Constable-Depute, ——— ——— Esq., —— HALLYBURTON of Pitcur, Esq., —— SCRYMSOUR of Tealline, Senior, Esq., —— SCRYMSOUR of Tealline, Junior, Esq., or any three of y^m^, are hereby authorised and required to convocate & assemble (giveing due intimation) the Burgesses & inhabitants aforesaid w^t^n y^e^ said Burgh, at a certain convenient day in the month of Apryll next ensueing to be by yem, or any three of them, appointed, and yre and then to oversee and direct y^e^ said election, according to y^e^ rules in use to be observed in such cases, and to form ane authentick Instrument ỹrupon, under their subscription and manuall, to be reported to his Majesty in Councill for his Royal Confirmation,—of all & qch y^e^ persones before named are to take notice, & to pay due obedience to his Majesty's pleasure herein signified.

And on 26th April, 1716, a Magistracy and Council were appointed accordingly, and approved of by his Majesty, as contained in a Minute of the Town Council dated 28th July, 1716.

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THE TOWN COUNCIL PROCEEDINGS IN REGARD TO THE REBELLION: 1716–18.

[For several years prior to the Rebellion there appears to have been a strong leaning of those in municipal authority towards the Jacobite cause. Great zeal seems to have been displayed in spreading these views among the people; and when the rising took place, almost all those in authority aided with the Pretender.

They seem to have opened the Town's Churches to the Jacobite Preachers, and the Schoolmasters of the Burgh seem to have aided the Magistracy.

The following Minutes of the Town Council shew the state of the Town at this time.]

Deposition of Mr. ALEXANDER WEDDERBURN, *Town Clerk, for aiding the Rebellion, 1716.*

AT the first meeting of the New Council on 26th April, 1716, an investigation was ordered into the conduct of the Town Clerk (Mr. WEDDERBURN), and on 1st May it was reported that the Committee appointed had enquired anent Mr. WEDDERBURN'S affair, and that WILLIAM GIBB, Maltman in Dundee, informed, and offered to prove that y^e^ said ALEXANDER WEDDERBURN y^e^ sixth of January last accompanyed y^e^ Earls of MAR and MARCHALL, and several Gentlemen that were in the Rebellion, to y^e^ Counsell-house of this burgh, where they were getting a treat and burgess tickets, and acted as Clerk; and was Clerk at rouping of y^e^ pettie Customs of this Burgh under those who exercised as Magistrates in y^e^ Rebellion; and y^t^ y^e^ said ALEX. WEDDERBURN went to y^e^ cross of this Burgh with those in the Rebellion at some of y^e^ rebellious solemnities, and y^r^after he went out with the Pretender when coming to this toune, and that he collected y^e^ excise for the Rebellion for the rebels' behoof.

The Counsell was to consider the information.

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On 8 May Mr. WILLIAM GIBB laid before the Counsell two Burgess Tickets, both dated 12 Jany. last, in favor of the therein designed JAMES, Earl of Sinmouth, & y^e^ oỹr in favor of Colonel FRANCIS BULKY, both granted be y^e^ y^r^ designed Sir ALEX. WATTSON, Provost, Mr. W^m^ RAMSAY, Dean of Gild, & signed be ALEXANDER WEDDERBURN, as Clerk. The Counsell recomend the Provest to write to y^e^ Lord Justice Clerk anent the said tickets and information ag^t^ y^e^ said ALEX. WEDDERBURN.

It is well known that a long prosecution followed this information, and that Mr. WEDDERBURN, who, in addition to his office of Town Clerk, was stated to be also Sheriff-Depute and Sheriff-Clerk of Forfar, was deposed from the office of Town Clerk, and obliged to deliver up the Town's Books and Papers, the following being the grounds of his deposition, in addition to his refusal to attend the Council when cited, on 9th August :—

That the said ALEXANDER WEDDERBURN attended the Counsal with the rebels, treated them there, and distributed Burgess Tickets; went to the Cross to proclaim the Pretender, and also went & mett the Pretender when coming into Dundee, and came in with him and his sword drawn in his hand, and also collected the Excise for the use of the Rebels, and administered the affairs of the Burgh on behalf of the Pretender.

Deposition of Mr. LYON, *Schoolmaster, for favouring the Rebellion.*

Town Councill, 1st May, 1716.

THE Councill taking into y^r^ consideration y^e^ information laid before them be y^e^ united Presbetaries of Dundie & Forfar, ag^st^ Mr. PATRICK LYON, Master of the Grammar School of Dundie, mentioning that, whereby Acts of Parliament & Assemblies of this Church by law established, It is ordained that all School Masters and teachers of youth should suscribe the Confession of faith, adhere to the doctrine

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yr in contained, and attend ye worship of God as established in this national church. Yet notwithstanding yt, Mr. PATRICK LYON hade, even after scribing the said Confession of faith, adopted other principles in opposition yrto, & committed oȳr practices contrair to the same, such as teaching his scholars a Catechism never allowed of nor approven by said Church; secondly, that he deserted the Communion of this Church, & by example encouraged ye youth to do so likeways; (3tio), That he joined a schismaticall meeting-house set up in opposition to Church and State, & yrin officiated as an elder, & (4tio), yt in ye time of ye unnaturall Rebellions ye said Mr. PATRICK LYON joined still in communion with these preachers who prayed expressly for ye Pretender under the Title of King JAMES ye Eight, &c.; & having called, examined, and heard Mr. PATRICK LYON on ye said Information, The Councill finds him to have been a transgressor, & so deposes him from being any longer master of said school, & declares his place vacant.

Act of Council, Fining Members of Council if absent from Church, dated 2nd October, 1716.

THE Councill statute and enact, yt each member of Councell not attending the Magistrates to the Church on Sabbath-day, and absenting from the Councell when warned thereto, without a relevant excuse, shall be amerciate in twelve shillings Scots; and each Member being long in coming in, within ane quarter of ane hour after the Councell sitts down, pay six shillings Scots to the Collector of the fines; as also, yt each Member of Councell not attending the Magistrates to burrials, when warned by ye Councell officer, pay six shillings Scots to the Collector of fines.

A similar enactment appears repeatedly in the Council Records.

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Acts of Council against Inhabitants concerned in the Rebellion.

18th September, 1716.

THE Councell resolved to consider what course shall be taken with such of the Inhabitants as were active in the late Rebellion, and continue obstinat and absent from the Church, and instrumental in taking the town.

And on 25th September, 1716,—The Councell, on weighty considerations, statute and enact that in all time coming no Inhabitant of this Burgh that was active and assistant in the late unnatural rebellion, or were frequent hearers of the Pretender prayed for under the title of King JAMES the Eight, be ever capable to carry any publick office in this Burgh for the future.

And on 30th September, 1718,—The Councell, considering ane Act of Councell of date 25 Sept., 1716, anent those that were concerned in the late unnatural rebellion—their being in any trust or publick office within this Burgh; and likeways the inconveniences that may arise from admitting any of those to be qualified, in order to y^{r} being capable of enjoying the said trust or office, and that ane Magistrate may be imposed upon to qualifie such, not knowing those persones circumstances q° desire to be qualified: Therefore the Councell not only hereby ratify, approve, and confirm the foresaid Act of the 25 Sept., 1716, But also statute and ordains that in all time coming if any Inhabitant of this Burgh shall compear before any Magistrate therein and desire to be qualified, the said Magistrate shall not qualifie the s^{d} person by himself, but shall inquire into that person's behaviour, and report the same to the Councell, who either shall allow him to be qualified or not, as they see cause.

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Act of Council prohibiting Jacobite Preachers from occupying the Town Churches, 1717.

ON 28th May, 1717, on a Petition given in to "The Lord Provost, Magistrates, and remanent Members of Council by the Ministers of the Gospel in Dundee, and in name of the Kirk Session," stating that the Magistrates and Council in the year 1713 had allowed Jacobite Preachers to use the Cross Church, and the use therein of the Liturgy of the Church of England, contrary to Law, and craving the said Lord Provost and Magistrates and Council to annul and rescind the foresaid illegal act of the Council, and to affirm the just rights of the Town's Ministers, and prohibit and discharge all others from occupying said Church in time coming—" and the Lord Provost, Magistrates, & Town Councill being well & wysely advised in the said matter, find that the said Act of Councell was illegal, & against the just right of the ministers of the legally established Church government, in so far as the said Cross Church is a part of the West Church of Dundee, & was always made use of as a part of the samen, particularly at the celebration of the Sacrament of the Lord's Supper, & y^{t} w^{t}out the use of the Cross Kirk the minister could not conveniently dispose of the elements; & likewise that the same was a burial-place, & several gentlemen & Inhabitants had head-rooms in it: And also, considering that the persons creavers of the said Act of Councill, & y^{r} preachers, were not in the terms of the Act of Tolleration, being in no manner of way qualified in the terms of the said Act, & that it has appeared by the consequences that the same was only designed as a nursery & seminary to Jacobites, & to foment the Rebellion agst the protestant religion & succession, Therefore the said Lord Provost, Magistrates, & Councillors rescinded, reduced, lapsed, & annulled the said Act of Councill so illegally alienating the said part of the West Church, commonly called the West Kirk. Likeas, they hereby, rescind, reduce, lapse, & annull the s^{d} Act, & they hereby decern & declare the samen to have been from the beginning, to be now, & in

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all time comeing, void & null, and of no effect, strength, or force, any maner of way, in all points as if the same had never been made; & sicklike, the s^{d} Lord Provost, Magistrates, & Councill decerned & declared, as they hereby decern & declare, That before, now, & in all time coming the just right of possession of the said Cross Kirk belonged, & shall belong only to the legally established ministers and Kirk session of this Burgh; & the said Lord Provost, &c., have discharged, likeas they hereby discharge all persons q^{t}somever to intrude or incroach upon or molest the said Ministers & Kirk Session in the peacable possession of the said part of the West Church, commonly called the Cross Kirk, & that under the pains & penalties cont^{d} in the Acts of Parliament against Intrusion, & oȳr Acts of Parliament made in favour of the Presbiterian Church in Scotland."

Suspension of J. GIB, *Jailor, for his leanings to the Jacobites.*

1st March, 1746.

THE Provost acquainted the Council that there had been several informations given in that JAMES GIB, the Jaylor, had not behaved in this Rebellion as he ought to have done, and wanted to know the opinion of y^{e} Council how they should proceed against him; which being considered by the Council, They suspend the said JAMES GIB from acting as Jaylor in this Burrow untill the particulars laid to his charge be considered of by the Council, and in the meantime they authorise THO^{S} SKIRLING, Council Officer, to act and officiate as Jaylor, and intitle him to y^{e} profites and emoluments belonging to said office during the time he acts; and accordingly a list of y^{e} prisoners and the keys of the prison were, in face of Council, delivered up by y^{e} s^{d} JAMES GIB to y^{e} s^{d} THO^{S} SKIRLING.

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Town Guard, &c.

1st March, 1746.

The Council considering that there are several state prisoners in the Prison of this Burrow, and no military lying therein, unanimously agree that there be a guard of ye Inhabitants kept in the Town House every night, ay and untill they be relieved by Military.

Rejoicing for the Battle of Culloden, 1746.

TUESDAY, April 24th, 1746,—The Council being now well assured that his Majesty's Army, under command of his Royal Highness ye Duke of CUMBERLAND, did, on Wednesday was Eight days, being the sixteenth currt, obtain a compleat victory over the Rebells near Culloden, Do therefore appoint publick rejoicing to be keept this day in this Burrow; That ye Council go to the Cross at four o'clock, and Sir GEO. STEWART be there, and Provost ROBERTSON, Pro. WARDROPER, Collr. YOUNG, and Comptroller SMITH be invited to the Town House; That there be publick Illuminations from eight to ten at night, and that the same be advertised through the Town by the Drum.

Burgess Ticket for Duke of CUMBERLAND.

Also, The Council agreed that there be a Burgess Ticket given to his Royall Highness the Duke of CUMBERLAND, and that the same be put into a Gold box for presentation.

The cost of the Gold Box was £45 10s. 6d. Sterling.

The Treasurer was also, on 23rd August, 1746, allowed credit for £194 14s. 6d. Scots, which he was obliged to make to the Rebels when they took possession of the Town.

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THE OLD TOLBOOTH AND NEW TOWN HOUSE.

Report by Mr. WILLIAM ADAM, *Architect, Edinburgh, on the Old Tolbooth of Dundee.*

On 27th June, 1730,—

THE Provost produced Mr. ADAM, Architect, his opinion and Declaration in writing anent the Tolbooth or Town House of this Burgh, which was read in Councill, the Tenor q^r^of follows,—

Dundee, the sixteenth of June, Jai. vij. c. and thirtie years, That whereas the Town House of this Burgh being in danger of falling, Therefore the Honourable The Lord Provost and Magistrates of this Burgh having called me to inspect and report the condition ỹrof, and in obedience to their desire, I have viewed and considered all the parts of the said House, from which I see the same to be in a very ruinous condition: The particulars whereof follow.

1st. The north side wall fronting the principall street being fourty-one feet high, and the south side wall being fourty-eight feet high from the floors of the shades or area backward, are fifteen inches bending over at the top from the straight line when stretched betwixt the east and west corners on both sides, and so in proportion has seperate and gone from the ffloors of the different storeys even to the foundation or ffloors of the vaults, by which it appears that neither the ffloors nor vaults are now of any manner of use to, or contribute to the strengthening of these side walls;

2nd. The roof of the house, by the yielding of the side walls, is now so much raised and disjoyn'd that the pressure from it upon the side walls is much more than formerly, and must increase in proportion as the walls give way, seeing by how much more the walls yield

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the rooff becomes so much the flatter and the Joynts ỹrof the opener, so that the pressure becomes ellaterall, which in time will infallibly push over the walls; and this might happen when the Inhabitants are not apprized of it;

3d From the whole 'tis evident that this house cannot stand long, nor is it capable of repair: Wherefore I give it as my opinion, that in order to prevent the bad consequences that might attend the falling ỹrof, the same should be taken down without loss of time,—by which the materials, vizt. slate, timber, and stone may be preserved and afterwards become of very good use in rebuilding such a Town House as may be judged proper by the Lord Provost, Magistrates, Town Councill, and Inhabitants of this Burgh. Whereas, if by the delay of taking down, the fall ỹrof might not only occasion melancholy consequences to some of the Inhabitants, But also the timber and other materials rendered unfitt for use. This Declaration given at Dundee date foresaid by *(sic subscribitur)* WILLIAM ADAM, Architect.

And for which Declaration and opinion the Provost acquainted the Council that they had given Mr. ADAM three guineas and spent with him some bottles of wine in Mr. MURRAY'S house to the value of thirteen shillings and threepence sterling, and that he was to send over to the Magistrates two Plans or Draughts of a Town House and estimate of the charges of building ỹrof, that they may choice either, for which he is to be payed,—whereof the Council approve; and the said Declaration was delivered to Baillie ROBERTSON, who is going Commissioner to the Burrows.

THE TOWN HOUSE.

On 25th November, 1730, a Petition, "signed by a great many substantial Gild Brethren, Burgesses, and Inhabitants," was presented to "The Honourable The Lord Provost, Magistrates, and Council," to take down the Prison as ruinous, and to build a new one.

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And on 6th December, 1730, ANDREW SMART, Mason, offered to take down the Old Prison for £50 sterling, he declaring "that this was the least he could do it for, he being at all charges thereanent, and to take down sclates, timber, & stones, & iron work as carefully as possible, and to set up the sclates in the Grammar School Closs, and big up the Stones carefully on the Stret & at the back of the said toun house, & to separate the good stones from the worse ones, and to big up all stones that may be useful for rebuilding the said house." This offer was accepted.

The Council acted on the representation of the Inhabitants, and Mr. WILLIAM ADAM, Architect, prepared the Plan for the new Town House, and gave along with it an Estimate of the cost of building it, amounting to £2,852 3s. 1d. sterling. His fee for preparing the Plan and Estimate was Thirteen guineas, which was on 25th November 1731 ordered to be paid.

On 3d. January, 1732, the Provost reported to the Council that He and the Comitee appointed last Councill day to converse with ANDREW SMART, Mason, anent building the Town House, had done so. He produced in Councill an Estimate by Mr. SMART, of which the Councill approved, and the prices put on the sd. work, and appointed the Contracts to be drawn up and signed by the Magistrates and Councill and the sd. ANDREW SMART accordingly. And the Provost was requested to ascertain if Bailie WATSON would undertake the oversight of the Building and provide all necessary materials, and what compliment he would demand for doing the same.

It was subsequently agreed that Bailie WATSON should get £100 for this duty, and a Committee of the Council was appointed to advise with him in anything material regarding said Town House under these Contracts; and application was made by the Council to Edinburgh to ascertain on what terms the Banks would advance the necessary funds for this Building.

The price agreed on with ANDREW SMART, Mason, for the hewn stone for the Town House was One shilling sterling per foot. And the Council also agreed to pay the Laird of Craigie £25 for stones from Craigie Quarry required for the New Town House.

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THE CLOCK FOR THE TOWN HOUSE.

21st June, 1735.

THE Provost reported that the Commitee formerly named for communeing wt ALEXR SMITH anent makeing a Clock to the Town House,—that they had accordingly communed with him, and that he was willing to make a Clock to the Town House of any Dimensions the Councill pleased to name, and to allow them six or twelve months' tryall, and to Referr the sufficiency and price of said Clock to two tradesmen, to be chosen one by the Town and anoŷer by him, after said tryall, and if found not sufficient, to take her back. The Councill recommend to the Provost and Bailie KINLOCH, when at Edinburgh, to advise what kind of a clock will be best—whether ane eight-day or thirty-hour clock.

On 15th July, 1735, the Provost reported that he had inquired in Edinburgh what clock would be most proper to the Town House, and recommended that a thirty-hour clock was best, and that the wheels were all to be made of brass.

After the Clock had been tried for six months, two referees were appointed to value it, as agreed on,—GEORGE SCOTT, Clockmaker, Cannongate, Edinburgh, being the Town's Referee,—and they made a Report to the Council on 5th May, 1737, that the referees had valued the Clock at £150, and £8 8s. was allowed between the referees as their fees for the Report,—all which was approved of.

The cost of the Town House, Clock, and Steeple Furnishings, with various alterations, may be stated to have come to nearly £4000.

Gift of the Three Lustres in Town Hall by G. PATERSON, *Esq., 1775.*

31st Oct. 1775.—The Provost produced in Council a Letter from GEORGE PATERSON, Esq., of London, addressed to him as Provost, advising that he had sent the Town a present of three lustres, which he beg'd the Council's acceptance of, as a mark of his partiality and

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regard to the Town,—which letter was read in Council, and they unanimously authorize the Provost to write to Mr. PATERSON that they with pleasure accept of so handsome a present made in so genteel a manner, and to return the Council's grateful acknowledgements for a favor on which the esteem and regard they have for the Donor stamped a double value, and to assure Mr. PATERSON that it gives the Council a sensible satisfaction that these returns of gratitude are due to a Gentleman whom they are proud to number among their fellow-citizens.

EXCERPTS FROM
ACTS AND PROCEEDINGS OF THE MAGISTRATES AND COUNCIL
DURING LAST THREE CENTURIES.

[In former times, under what is generally called the Close Burgh System, but which is now abolished, the Magistrates and Council had great, indeed almost supreme authority within Burgh, and certainly their acts, and in most instances their just and reasonable regulations for the health and convenience of the Inhabitants, and good government of the Burgh, were worthy of all praise. The Guildry also, and the Incorporated Trades, had exclusive monopolies of Trade and Merchandize,—this was the universal usage in all our Scotch Burghs at the time, the modern principles of free trade not having then been understood or practised,—but it appears all through that an appeal lay to the Magistrates and Council against any oppression or supposed injustice or exercise of authority by the Guildry or Trades Incorporations, and throughout the Council Records there are frequent instances of application for such redress. The Magistrates and Council supported both the Guildry and Trades in the due exercise of their vested rights and privileges, and granted seals of cause to the several Corporations of their privileges of trade. The Magistrates and Council were strict in supervising all sorts of merchandize—food and drink and clothing of all kinds, and, indeed, from time to time regulated the quality and prices at which all such were to be sold, and had in existence a complete system of oversight and inspection. They regulated, also, the hours when public-houses should be shut, and supervised their measures, and made rules for the good government and for securing the peace of the Town. They appear for centuries to have paid strict attention to the matter of Education, and great care seems, from the numerous Minutes of the Council, to have been exercised to keep the Burgh Schools and Academy in a sound and efficient condition. The Masters or Doctors of the Grammar and of the other public Burgh Schools—all under the

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Council—had reasonable salaries provided for them from the Burgh revenues, and by law they held their offices as public servants *ad vitam aut culpam*. Those Burgh and Public Schools continued as a branch of the Municipal supervision till 1829, when those Schools were transferred to a Public Board under the name of the Public Seminaries, conform to rules, copy of which, and of the resolutions of the Council agreeing to the transfer, will be found in the printed Excerpts as to those Schools.

It may be interesting to give a few Excerpts from the Council Records in bygone times as to the acts and proceedings of the Municipal Authorities, illustrative of the system which prevailed in the Burgh for centuries.]

Act against Publishing the Proceedings of Council, 1567.

IN 1567 the Council "Ordainit gif any person or persons of the Counsall of this Burgh sal reveil or oppen the secretts or communications quilk he heirs in the Counsall to any maner of person, that the person reveler sal never bruik office within the Burg in tyme coming, and there to be dischargit of said place in the counsall as ane missworne person."

Reverence to be paid to the Magistrates, 1594.

October 6, 1594.—Item, it is Statut and ordainit that the Magistrats of this Brugh, both superior and inferior, be reverencit, obeyit, and maintainit in ther offices as becomes; and ther judgment and lawes be only sought be the inhabitants of this brugh in all causes, and that the actis maid thereanent of befor, and sicklike the actis maid anent the assisting of Baillies and serjeands in execution of ther offices against all disobedient persons, the actis maid anent revealers of the counsell be declaring the revealers publickly infamous at the mercat cros of this brugh and discharging them of all bearing of publict office within the samen during ther lifetyme, and likewayes the actis maid anent the slanderers of the Magistrates, either privily or publickly, the actis maid anent solistares for offenders, be put in execution with all severetie, but (without) respect to persones fedd (fear) or favor.

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The Dignity of the Council.

18 April, 1720—This being the head Court, and the Councell having called the Deacons, and finding some abuses in the Councell, and particularly choising men that are of little reput to be Trades Councellors—which is quite contrair to the ancient privileges of the Trades and a dishoner to the Councell—Therefore, after voting, it was and is enacted that in all time coming non shall be capable to be a trades Councellor except the person elected has formerly carried the office of Deacon of the trade of which he is a member.

Act by the Magistrates and Council for keeping the Public Peace, 1729.

Wednesday, 5th February, 1729.—The Magistrates and Town Councill of this Brugh taking into their consideration an act made in the first year of the reign of King GEORGE the first (the Riot Act) for preventing tumults and riotous assemblys, Have thought proper to intimate to the Inhabitants of this Brugh, that none may pretend ignorance, That no person or persons shall presume to assemble together in any tumultuous manner w^{t}in this Brugh or privileges ỹrof, or any ways to disturb the publick peace, under the pains contained in the said act. And farther, the Magistrates and Town Councill Statute and Enact that, if any of the Burgesses or inhabitants of this Brugh, or Hilltown ỹrof, shall in any riotous manner assemble together to the disturbance of the public peace, the transgressors shall lose their freedome and libertys of this Brugh, and be disgracefully expelled the same; and farther, the Magistrates and Town Councill do require all masters of familys within this Brugh, and privileges thereof, to take special care of all under their charge, that none of them disturb the publick peace, and appoint this to be intimate this day through the town & Hilltown by tuck of Drum;—which was done accordingly.

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Acts anent breaking the Sabbath Day.

2 January, 1597.—And siclik, the actis maid anent the resorting to the Kirk to preaching and prayers on the Sabbath day and other ordinar dayes of preaching and publict exercise be execut agains the contraveeners thereof, be privie admonitiones to be given for the first and second faults, and gif they continue, to be publickly admonishet and otherways punishet according to the discretion of the Ministers and Session of the Kirk; and that na person presum in tyme of preaching or prayers to sell any meat, aill, beer, wine, or other drink, within or without ther houses, under the pain of 20 S.; & that the Bailies, Keepers of the Calsay (Streets), be chargit be the Kirk ilk Monday in the morning with ane acc^{t} of his office in executing this act.

Item, upon sure information gevin be the Ministeres and Elderes of the Kirk that ther is ane great number of the inhabitants of this Burgh wha divers tymes absents themselves fra the communion and participation of the holy sacraments, giving thereby occasion and mater to the enemies of the trew religion to speak slanderlouslie of this congregation, albeit the saids persones be only movit thereto upon light and frivall caussis,—Therefor it is statut and ordainit that gife any person hereafter absent himsel fra the communion and participation of the said sacraments without declaration of the caus moving him to ane of the Ministeres, that he sal be reput, and haldin an contraveener of the word and good order of the Kirk, and sall be punishit therefor be making of his repentance publickly in the Kirk, and paying ane penaltie of five pounds to the poor.

At a head Court of the Burgh, held 3 October, 1597.—Item, it is statut and ordainit that the haill actis maid anent the profanation of the Sabbath day, be halding and keeping within the libertie of this Burgh of any mercats of flesh, fish, fruit, herbes, milk, or other viveres,

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thereupon, or carying any laides to or fra this Brugh, be put in execution with all severitie, be escheating to the use of the poor of the viveres bought and sold upon the said day, and punishing of the buyars, sellars, and carriers of the saids laides and ther masters according to the said actes.

Act anent "those who marries at any Church w^out the toun," 1598.

Curia capitalis Burgi de Dundie, Secundo die mensis Octobris, 1598.

Item, in consideration of the great abuse laitly introducit within this common weill to the slander of the Kirk and defraud of the poor be the granting of licences & testimoniall to neighbours and inhabitants of this brugh to pas to landwart Kirkes for solemnization of ther mariges, qlk they procure partly for culloring of ther wicked lives in abusing that holy band befor the said solemnization, and partly for defrauding the poor of sik benefit as they may receive of the liberality of the persones who honors the saids mariages be ther presens;—Therefor it is statut and ordainit, with consent of the Ministeres and Session of the Kirk of the said brugh, that na testimoniall nor license sall be grantit to any p^son within y^e Brugh whas mariedge sall be solemnizit within the Kirk therof, to pas to any uther Kirk for that effect, without the person desirer therof first pay the sum of five pounds, at the discretion of the saids Ministeres, to the use of the poor of the said brugh, and that the collector of the poor's almes be chargit 3early with ane compt thereof.

Court of Immoralities.

The Counsell on 27 November, 1716, "appoints ane Court of Immoralities to be kept every Monday afternoon, and the Constables to attend and give account of any Immoralities they know."

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They also ordered the Ports of the Burgh to be shut on the Sabbath Day, and in time of Divine Service.

A Memorial from the Kirk Session to the Council, anent irregular Marriages and Baptisms, was read, and which "the Councel are to consider of, and give concurrence according to Law."

Public-House Regulations.

The Magistrates and Council for centuries were strict as to Public-Houses, and throughout the Records their ordinances are recorded. A few instances may suffice.

So early as 1558 they made ordinance—

"Item, that na person within this Burgh be found walking in the night season privallie or openlie in the Streets or Yetts of the samin, nor drinking in any wynd or alehouse tavern within this Burgh after ten hours of the night, under the pain of fourtie shillings for the first fault, and for the next fault to be banished the Burgh; and that nane sall sell ale or harbour such persons, under the pain of banishing them the Toune."

Again, 15 January, 1717, "The Councill appoints the Drum to go through the Town discharging all venders of ale or liquors within this Burgh, or liberties yerof, to allow any person or persons to stay in their houses drinking after ten o'clock at night any work-day of the week, and not after nine o'clock on Saturday night, under the pain of fourty Shillings Scots *toties quoties*, to be exacted of the Master or Mistress of the house yerof—the half to the informer."

Another instance may be given, of a later date, in 1762—

"Item, the Sabbath to be religiously kept—no bakers to bake, nor barbers to dress wigs; and for better observance thereof, no inhabitant drink in any ale house or tavern the said day, under the penalties contained in the Act of Parliament thereanent; and that

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no Brewer or Vintner allow any person to drink within their houses on the Sabbath day (except strangers), under the penalty of four pounds Scots, to be exacted from the Master of the ale house *toties quoties.*"

Another useful resolution appears, viz:—

"That all old iron, such as Keys of doors or girtles of Buckles, offered to be sold be first presented to the Deacon of the Hammermen, to see if it be come ane honest way, under such penalty as the Magistrate shall inflict."

ACTS REGARDING TRADES, &c.

Bakers and Flour-Dealers, 1551.

Curia Capitalis burgi de Dundie, in pretorio ejusd. per honorabilem virum Magistrum JACOBUM HALIBURTAN, *prepositum;* ANDREAM ANNAND, ROBERTUM KYD, *et* GEORGIUM SPALDING, *ballivos dict. burgi, quinto die mensis Octobris, anno dom. 1551, Sectis vocatis et curia legitime affirmata,—*

IT is statut be the provest, bailles, counsell, and haill dekynes of craftis, y^{t} gife ther be any baxter within this brugh in tyme coming havand dry wheat or flour within his house & wanting bread in his house, or into the ovene, and dry malt into his house and wanting wort or aill, that the faulter in y^{t} cace, be determination of the provest, baillies, counsell, and haill dekyns of craftis, and of ther own consents, be expellit fra baking and brewing for year and day.

Uno die.—It is statut, y^{t} gif any maltman or neightbour of this brugh hes dry malt or wheat within ther loftes or houses and will not sell the samen to baxters and brousters upon pryces q^{r}by the

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actes and statuts may be observit and keppit, y^t^ the persones whilk refuses to doe the samine shall be expellit fra malt buying and wheat buying for 3ear and day; and thir actes to be publick in the tolbooth, and to have the force and strength of ane decree.

Price of Bread.

Head Court, 6 October, 1594.

Item, it is Statut and ordainit that the baxteris of this brugh have their bread good, clean, and sufficent, and dry stuffe, and that nane of the saids baxteris presume to bake or sell any oat bread within this brugh, under the pain containit in the Acts made thereanent of before.

Feby. 7, 1626.—It is statut that no Baxter, Maultman, nor no other Inhabitant within this Brugh, presume to take within their houses or possessions either Wheat, Bear Meall, or any Victuall whatsomever, untill the Pettie Customer be satisfied of the dewties thereof, under the penaltie of twentie pounds Scots *toties quoties*.

Petition by Baxters or Bakers—Price of Bread,—6 May, 1707.

The Councill, upon ane petition given in be JOHN TAYLOR, Deacon of y^e^ baxters, craving y^e^ weight of bread to be altered, Considering that the Petitioner, as Deacon of y^e^ trade, has ever since y^e^ proclaiming of y^e^ acts discharged y^e^ whole trade to baik any bread to serve y^e^ inhabitants; and the Deacon being called, acknowledged y^e^ trade did agree not to baik any bread till y^e^ Councill altered the statute anent y^e^ weight of bread,—Therefore y^e^ Councill fines and amerciats y^e^ said JOHN TAYLOR in ten pound Scots, and ordains him to pay y^e^ same penalty, or stay in prisone until pay^t^; and ordains y^e^ trade to serve y^e^ lieges in bread, otherwise y^e^ Councill will give allowance to others to serve y^e^ town.

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And on 30 May, 1734, a Petition was presented by JAMES MARSHALL, present Deacon, and JOHN BOYD, present Box Master of the Baxter Trade of Dundee, for themselves & in name of the Trade, craving that they might be allowed to sell their bread at the rate of nine pounds for the Boll of Wheat. The Council allowed them to sell their Bread at the rate of £8 10/- per Boll of Wheat.

9th October, 1741.—The Councill unanimously agree, that for three months from and after this date, the price of wheat being eight pounds per boll, and fourty shilling Scots allowed for bakeing and makeing,—in heall Ten pounds Scots p^{r} boll; and appoints all bread to be sold conform to y^{e} above price.

The Town's Income—Ale and Beer Duty, &c., 1719.

During the whole of the 18th Century, and even until a very recent period, the Town's affairs (pecuniarly) were in a backward state, and their large and valuable properties consequently prematurely disposed of towards payment. The principal revenue the Town had at this time, and long afterwards, was the statutory imposition of two pennies Scots on the pint of Ale brewed in the Town. The Town depended very much on this revenue for carrying on its public business. The duty on the ale was continued by repeated Acts of Parliament till a very recent date, when it was abolished (1848). The Treasurer's receipts for it in the year 1715-16 amounted to £8,986 3s. 8d. Scots.

The Maltmen of the day were very backward in paying this impost, and severe measures were resorted to by the Magistracy to enforce payment.

The following resolution by the Lord Provost, Magistrates, and Council in 1719 will shew the measures resorted to for recovery of the duties.

Tuesday 24 November, 1719—The Lord Provost, Magistrates, and Councill considering the great loss the Town's revenue sustains by severall of the Brewers being long deficient in payment of the dutie of two pennies per pint of ale, &c., payable to the Town by Act of Parliament, notwithstanding of the great defalkation allowed to prompt payers, and also the great expence the Town is putt in pursuing deficients by ordinary Court of law, which they are noways

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obliged to do by the s.d Act, all execution on such acts being summar by poinding, &c. For remied ỹreof they statute and ordain, and it is hereby statute and ordained, that from and after the last day of November instant the collector of the s.d duty of two pennies per pint of ale, &c., shall colect the same in the laigh Councill House, where he shall sitt five colecting days for every round, from two to four in the afternoon, and is to intimate his colecting dayes the day before he begins to collect by the Drummer, and every sederunt by ringing the Tolbooth Bell; and upon the day after the s.d collecting day he is to deliver a full and compleat list of the deficients to the Magistrate keeping the Court for the time, who shall order poinding for the same within eight days after; and if the said poinds be not relived within three days the said Magistrate shall order the same to be apprized and the Collector to be payed out of the price ỹreof in the first place; The expence of poinding & apprizing in the second place, and the remainder to be delivered to the reŝive persons from q.m the same were poinded; and the s.ds Lord Provost, Magistrates, and Councill declare that none that shall be given up deficient in the above-mentioned list shall be entitled to the ordinary defalkation for that round; and they discharge the Collector to allow the same.

The Survey of Ale, 1707.

6th May, 1707.—Appoints y.e drum to goe through y.e toune Discharging all Breuars to vend or sell any ale till first they enter y.e same w.t Conveener WHYTE and he survey y.e broust, under y.e penalty of six pound Scots each persone who shall vend or sell w.tout entry & survey; and any persone abstracting any of y.e broust of ale befor entry shall be lyable in the value of the broust.

Maltmen packing their Sacks, 1717.

30 Aug.t, 1717.—The Councill considering that the Maltmen putt so great loads of Malt in y.r secks that they destroy the horses, & oỹr

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ways demolish the town's common good, Doe therefore Statute and enact that in time comeing non presume to putt more malt in their secks than Ten firlots, under the pain of confiscation of the haill malt in their seck; and this be promulgate by tuck of Drum.

Petition by the Candlemakers to be allowed to Increase the Price of Candles, 30th October, 1712.

This said day, anent the Petition given in by WILLIAM STIVEN and WILLIAM HENDERSON, Candlemakers, for y^m^selves and in name of y^e^ oỹer Candlemakers ther, shewing that where the Councell have been pleased to regulate y^e^ price of Tallow & Candle—the latter at four shills. six pennies per pound—at which rate the petitioners are not able without iminent lose to y^m^selves to serve y^e^ liedges, by reasone of y^e^ scarcity of tallow, occasioned by the badness of weather; & such as doth come in is for a great part carried out of y^e^ Burgh & disposed of at oỹr places where they have greater allowance for candle; & therefor craving to y^e^ effect after sp^cd^. q^k^ Petition being at length heard, seen, and considered by the Councell, They allowed, & hereby allows the Petitioners to exact four shillings eight pennies for the pound of Candle, they makeing the same sufficiently good & of good weeks.

Just as with the Gas in the present day, the Candle-light in earlier times was an essential for the public, and the Town Council were very strict in regard to it. They regulated the price from time to time, but great dissatisfaction existed by reason of the Candlemakers "abusing their privileges & making private concerts among themselves, and exporting the tallow." The Council were applied to for redress, and they reduced the price to four shillings Scots per pound, and granted privilege to any inhabitant to set up to make Candles, with liberty to buy tallow in the Burgh subject to the Council's regulation. Latterly the public dissatisfaction increased to a height (probably somewhat similar to what took place in more recent times as to the Gas-Light monopoly) that caused the Council to institute a prosecution against the Candlemakers. The following resolution was passed:—

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On 1 November, 1716,—There being complaints given in against the Candlemakers for transgressing the common acts anent the price of the Candle, appoints them to be prosecuted for the same; and appoints the drum to go through the town to intimate that the Magistrates are to sitt this afternoon at two o'clock in the Town's Shop to receive in Complaints ag^{t} the Candlemakers.

The controversy continued for some years, but ultimately the Candlemakers had to succumb, and on 9th November, 1726, they presented a humble Petition to the Council, in which they refer to the reduction in price and their consequent severe loss; and as it was done "that the Petitioners might discover their dutifull regard to the Councell's just authority over them," they then go on to explain the case, and to shew that, from the rise in the price of material, they could not sell the candle at the prices formerly fixed by the Council, and craving the Council's compassion.—

"Which Petition being considered by the Councill, they allowed, & hereby allows the Petitioners and any others makeing or selling Candle within this Burgh to exact for the pound y^{r}of, during the Councill's pleasure, four shillings and six pennies Scots, and no more, the duty imposed by act of Parliament being therein included,—Excepting furth of this act muilded candles, for which they are allowed to take five shillings Scots as formerly."

Protection to Violin Players at Weddings, 1718.

19 June, 1718.—Upon a petition presented to the Councell by ALEXANDER NIELSON and GEORGE MORISON, Violers, The Councell grant the sole priviledge of playing at all weddings within the Burgh to them in time comeing, and discharge all the Inhabitants to allow any unfree persons to play at Weddings y^{r}in, under such penalties as the Magistrats shall think fitt to inflict.

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Ancient Rights of the Guildry, 18th April, 1720.

The Counsell considering that the Gildrie of this Burgh is imposed upon by severalls y^t^ come into this burgh and trade who have no privilege to do the same, it is therefore enacted y^t^ no person shall trade or keep a shop within this Burgh unless he has first entered to the said Gildrie, booked in the publick register or locked Book, and taken the ordinary burgall oath, under the penalty of One hundred pound Scotts, & lying in prison ay and untill payment.

An Anchor-Smith, 1720.

2 June, 1720.—There being a petition presented by the Ship-masters of this Burgh craving that JAMES WATT, Anchor Smith, being the onlie man in this place that can work anything of shipsmith's work, and he not being able to pay for his Burgess-Ship, that he might have a gratis burgess ticket. The Councell appoint him to have a Burgess ticket—producing a Certificate from Leith of his good affection to the Government in Church and State.

A similar Petition was made by the Masters of Ships and Vessels on 9th August, 1721, in favour of "ane JOHN ADAMSON, Ship builder in Scarsborrough, presently in this Town, who is willing to stay and abide here, providing the Councell make him a free Burges of this place." The Council agreed to do so, and at an after period agreed to give him ground at West Shore for a Shipbuilding Yard. This no doubt gave a great impetus to this now important branch of our local industry.

Encouragement to a Shipsmith at Dundee, 1728.

28th October, 1728.—Petition by JOHN BROWN, Box Master of the Fraternity of Seamen in Dundee, in name of the Fraternity, shewing that the said Fraternity is at a considerable loss for want of an Anchor Smyth in this town, being obliged to go elsewhere with their work, and that they had prevailed with an JOHN DUNCANSON, Anchor Smyth in Airth, a sufficient tradesman, to come and settle here upon his meeting due encouragement, and therefore craving it

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might please the Councel to grant the said JOHN DUNCANSON his freedom & a burgess Ticket gratis, and to set apart so much of the west end of the Dock or timber yard as will build a smiddy for his commencing of his imploy and serving his Majesty's Lieges,—was produced & read, which being considered by the Councel, they appoint a gratis ticket to be given to the said JOHN DUNCANSON for his own lifetime, and delay considering the other part of the petition till afterwards.

Complaint to the Council by the "Waker Trade against Women Dying Cloath in their Own Houses," 24 April, 1707.

The said day, Anent ane petition given in be DAVID NICCOLL, present deacon of y^e^ waker trade of Dundie, shewing y^t^ sẽall of the inhabitants—women in parl̃r—Doe incroach on y^e^ liberties of y^e^ said trade, not only by taking in all sort of cloath & worsett and dying y^e^ same to y^e^ inhabitants and others w^th^n y^r^ own houses, But also they goe from house to house and dyes y^e^ said cloath & worsett q^r^by the said trade is verry near ruined w^t^out remead be had for that effect, and y^r^for craving to y^e^ effect afterspec^d^. Which Petition being at lenth heard, seen, & considered be y^e^ said provost, baillies, & remanent members of councell, and they being y^r^with weel & ripely-advised, Granted, and hereby grants full power, warrand & comission to y^e^ said petitioner & his successores, deacons to y^e^ said waker trade, To search for and apprehend such as incroatch on y^e^ said liberties by dying of cloath & worsett more than serves themselves; And ordains y^e^ said deacon & his successores to make application to y^e^ Mag̃rats, ane or maer, ag^st^ any such who shall incroach on y^r^ said liberties, To y^e^ effect they may be punished conform to y^e^ comon acts of this burgh. Declaring allwise y^t^ y^e^ said Petitioner & heall members of y^e^ said waker trade & y^r^ successores shall be personally lyable for y^e^ value of worsett or yearn y^t^ shall be spilt be them in y^e^ dying, and shall be summarly ordained to make payment y^r^of to y^e^ persone conserned.

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Complaint by the Weaver Trade against Weaving in the Workers' Houses, 1734.

Council, 24th April, 1734.—Petition presented by ROBERT MUDIE, present Deacon of the Weaver Trade of Dundee, and THOMAS MUIR, present Box Master, for themselves and in name of said Trade, craving the Council would ordain DAVID PATERSON, GEORGE and JOHN MUDIES, Weavers, to desist from employing of unfree Weavers to work out of their masters' houses, in regard to the damages done to both Town and Trade thereby, and likeways Enact that in all time coming all the Masters of the Weaver Trade should employ their servants to work in their master's house, and not in their own, and adjust such penaltys as the Council should think proper to be payed by the transgressors, for the use of the Weaver Trade. The Council having advised said Petition, they allowed, and hereby allow all the free masters of the Weaver Trade of Dundee to employ as many unfree weavers as they please to work in their own houses all linen for sale, But discharged, & hereby discharge any of the Members of the Weaver Trade who are Free Masters to employ any unfreemen to work household cloath of any Kind But only in their own houses, and not in the unfreemen's, under the penalty of ten shillings sterling for each transgression *toties quoties*, to be payed to the Weaver Trade.

Supervision of Trades by the Town Council, 1725.

THE BONNET MAKERS AGAINST THE TAILORS.

On 13th October, 1725, the Council, on a report of a Committee for revising the Acts as to Trades, reported that they saw no reason to alter any, except an addition to, as regards building, viz.:—That no Tradesman Build or Rebuild any clay, plaister, or timber chimnys or Lumms w^tn this Burgh in time coming under the pain of Ten pounds Scots *toties quoties*—to be exacted of y^e Tradesman beside y^e loss of his freedome in y^e Burgh. But that all chimnys or Lumms to be built or Rebuilt within this Burgh hereafter be done w^t Stone

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and Lime, for preventing y^e^ hazard of damage by fire, which may happen yerby. The Convener of Trades also reported that the Trades had no alteration to ask at present, except the foresaid addition, of which they approved; and that y^e^ Glover Trade were demanding y^t^ y^e^ words following might be added, to the effect that unfreemen should be restricted from selling wool except in the mercate day and in the mercate place, and no where else; and that the Bonnet Makers were demanding ane act to be added discharging y^e^ Taylors from making cloath Bonnets for prejudizing y^e^ Bonnet Makers, if the Council thought fit to grant the same;—which Acts and Reports being considered by y^e^ Councill, They approve of the provision as to Chimneys, and also the addition asked by the Glovers, and appoint said additions to be made as above mentioned, with the condition annexed; But disapprove of the foresaid addition demanded by y^e^ Bonnet Makers.

A Mantua Maker and the Tailor Trade, 1728.

5 Aug^t^, 1728.—ALEX. ROBERTSON moved in Councill, that there was one MARY GEDDY, a Manty maker, who was come of respectable parents of this place, whom the Taylor trade impeded from working in this brugh,—which the Councill considering, appoint Conveener WHITTET to commune w^t^ the taylor trade, & see if he can get her & the taylor trade agreed, & report.

Order by Council on the Shoemakers to admit JOHN PALMER *as a member, and Protest by the Deacon of the Trade against it, 1730.*

Town Council, 27th June, 1730.—The said day the Provost, Bailies, Dean of Guild, Treasurer, & remanent members of the Councill of the Burgh of Dundee being mett & convened within the Councill-house ỹrof, Consulting about the common affairs of the Burgh, & anent a petition given in to them by JOHN PALMER, shoemaker,

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humbly shewing that he having made application to the shoemaker trade of Dundee to be entered a free master of that trade, and made offer to them of the ordinary dues payable by unfreemen for their entrie,—The Deacon and remanent members having been pleased to ordain and appoint the Petitioner to make three different pairs of boots and several pairs of shoes as an essay of his sufficiency as a cordiner, conform to a particular note ỹrof given in to him by the said trade, & produced with the Petition,—which the Petitioner reckoned a manifest hardship imposed on him in order to bring him to trouble & charges;—Therefore the Petitioner begged leave to mean himself to the Councill, & to crave that it might please the Councill to make enquiry anent the essays formerly required from the unfreemen entering to the said Cordiner trade, & to ordain the said trade to admit & receive the petitioner a free master therein upon his making an essay, as the Councill shall think reasonable, & paying the ordinary dues of Entrie, as the Petition bears; and the Councill having considered the Petition & heard the Deacon of the Cordiner Trade thereanent, Appoint the Cordiner trade to enter & receive the Petitioner a free master of their trade in the same terms they entered & received DAVID TURNBULL, being the last man that was entered a master of the said Trade,—Against which the Deacon of the Cordiners protested & thereon took Instrument in the Clerk's hands.

Petition by the Sclaiter Trade, 27th December, 1762.

Petition to the Magistrates and Council by PETER HOWIE, Deacon of the Sclaiter Trade, for himself and as representing the Trade, setting forth that the Sclaiters of this Burgh are always very assisting with ladders for extinguishing fires when Kindled in this Burgh, for which labour, tho' offered payment, they alway refuse the same; That the quartering of Soldiers, on account of the circumstances of the Trade, is a very heavy burden upon them, and as they are willing and ready to serve the publick in time coming with their labour in extinguishing

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fires, Therefore craving that the Members of the Trade might be exempt from quartering Soldiers in time coming,—which the Council having considered, they granted the desire of the Petition.

Prohibition to sell Meat within Piazzas of Town House, 1772.

On 2 November, 1772, The Council considering the great inconvenience that arises from the Town's Country Fleshers bringing their stalls, stocks, and fleshes below the Piadzas in the Town House, They therefore Statute and enact that, in time coming, no Flesher, whether free or unfree, shall bring in their stalls, stocks, or fleshes below the Piadzas of the Town House, and prohibit & Discharge them from so doing under the penalty of 5 shs. Stg. for each transgression; and appoints this prohibition to be intimate thro' the Town by tuck of drum.

The Encouragement of the Linen Trade, 1770.

At a meeting of Town Council on 25 August 1770, the Provost represented to the Councill that at the last Convention of Burrows the Representatives of several of the Manufacturing Towns had agreed to meet at Edinburgh on Tuesday next, or to send a proper person for that purpose, to take into consideration the present state of the Linen Manufacture, and to give their opinion to the annual Committee of Royal Burrows what farther aid and encouragement might still be applied for to Parliament,—which being considered by the Councill, They, with the approbation of the Linen Merchants in this Place, hereby appoint Mr. RICHARD NIELSON, Merchant in Dundee, to attend the foresaid meeting, and they hereby empower him to give his advice and assistance in forming such a Plan as may be found most conducive to obtain these advantages, which are still wanted for the encouragement of our Linnen Trade; and the Councill authorise the Provest to subscribe a letter to Mr. NIELSON, empowering him to that effect.

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And on 10 September, 1770, The Council authorised the Treasurer to pay to Mr. NIELSON the sum of £9 5/–, being the expenses disbursed by him in going to Edinburgh, and of two other journeys he had on account of the Manufacture.

Survey of Linen Cloth.

28 October, 1718.—The Councell appoints the Magistrates to make choise of such fitt persons as they shall think proper for inspecting the Linnen Cloath that shall be wrought within this town, as to the sufficiencie of the said Cloath and Yearin when working, & before the webs be cutt out of the looms, & to take such proper methods thereanent as they shall think fitt for rendering the Act of Parliament effectual.

The Supply of Meal—a Bounty.

16th June, 1801.—The Council considering that a scarcity of meal to supply the Town still continues, and that it is therefore highly necessary that some means be used as an encouragement for Importation, Do therefore agree to offer a bounty of two Shillings Sterling the Boll for the first Thousand Bolls, either of oat meal or of oats afterwards ground into meal, that shall be imported by sea into this Burgh, and sold by retail in the Meal Market of Dundee, in the course of one month from this date,—The above Bounty to be paid by the Town Treasurer for every Boll of Meal so retailed during the above period, and appoint notices to be immediately printed and distributed to this effect.

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The Barbers and Pirriewigmakers' Corporation.

20 May, 1777.—In a Petition to the Magistrates and Council by JOHN ALLAN, PATRICK NIMMO, JOHN SMITH, and others, Barbers and Pirriewigmakers in Dundee, stating that, having lately united themselves into a Society for establishing a fund for relief of their poor decayed members and their families, and craving the Council to grant them a Charter or Act of Council incorporating them, and their successors in office, into a Body corporate and politic, by the name of the Barber and Pirriewigmaker Trade or Society,—" Which Petition having been considered by the Council, They did, and hereby do make, create, constitute, and Establish the said JOHN ALLAN, PATRICK NIMMO, JOHN SMITH, JAMES ERSKINE, GEORGE MORRICE, THOMAS CHAPMAN, JAMES WATT, JOHN CROSS, DAVID MILLAR, JOHN MORGAN, GEORGE HOGG, and ARTHUR PATON, and such other persons who shall be first duly admitted Members, into a Corporation and Body Politick and Corporate for ever, by the name and stile of the Barber and Pirriewigmaker Trade or Society in Dundee, with a perpetual succession, with power to use a seal, to sue and be sued, and to purchase lands, and make bye-laws for the regulation and management of their Society. But which Bye-laws, before they are obligatory, are to be approven of by the Town Councel; and declaring that this act shall not be interpreted or understood as conferring any exclusive powers on the Petitioners, or the members afterwards admitted by them, of exercising their said Trade within this Burrow."

The Nine Incorporated Trades held an important place in the management of the municipal affairs of Dundee for ages. They had to be consulted by the Council and be parties to all acts of an important nature, particularly regarding finance and property; and in the well-known proceedings for deposing Mr. WEDDERBURN from the office of Town Clerk for espousing the Jacobite cause in 1715, Mr. WEDDERBURN, on being cited to appear before the Council to answer the charge, enquired at the officer whether all the Deacons of Trades were present, and on being told that one was absent, he declined to appear. This right held by the Trades was not enjoyed by the Three United Trades, whose seals of cause were of more recent date. The General Conven-

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tion of Royal Burghs on 16th July, 1818, "Having resumed consideration of the Petitions (to alter the Sett of the Burgh) from the united Incorporations of Wrights, Masons, and Slaters of Dundee, and from the Incorporation of Masters and Seamen of that Burgh, the Convention refused the said Petitions, in respect the Petitioners have no interest in the political constitution of the Burgh."—(See No. 150 of Inventory of Writs.) All these exclusive municipal privileges, however, have now been abolished, and the constitution of Town Councils fixed by the Municipal Reform Act, 3 & 4 WILLIAM IV., c. 76 (28th August, 1833), modified as to the mode of Election by subsequent Acts of Parliament, principally by the 31 & 32 VICT., c. 108 (31st July, 1868); 33 & 34 VICT., c. 92 (9th August, 1870), and the Ballot Act (18th July, 1872).

MISCELLANEOUS ACTS OF TOWN COUNCIL.

Punishment of Drunkenness, 1580.

14 October, 1580.—Ordainit, forsamekle as we know it to be the command of God, that ther sall not be any drunkerts and blasphemers of his holy name among his peopill, we thairfor statutis and ordainis, that gif any man be apprehendit in drunkedness, and enact that the same man sall pay, gif he be apprehendit and haif any geir, for the first falt fyve markes on forgivness, and it to be taken up be the deacones and distribit to the puir; for the second falt ten markes; and gif he be thirdly convicket on this falt, sall pay ten pounds to the puir; but gif he will not avoid but continue thairin, the provest ȝe bailzies sall gif him ane assize of nychbours, and gife he beis convicket, sall be banishit this burgh for ȝier and day, and sall not be receavit without his oppen repentance; and the persone that hes no geir being apprehendit in the falt of drunkinness, the same sal be put in the thieff's hoill the space of twa dayis and twa nychtis for the first falt, and for the next falt sall remaine four dayis, and for the third falt the haill oulk (week) in the thief's hoil, and gif afterwart he continues in the said falt, he sall haif ane assizes of nychtbours, and being convicket sall be banishit, and not to be receivit for ȝear ȝe day in this toun, quhill to make oppen repentance; and the samyen act to proceed upon drunken women.

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The Punishment of Revilers of Magistrates, 1605.

2 May, 1605.—Quhilk day Sir JAMES SCRYMGEOUR of Dudhope, Knight, Provest and Constable of the Burgh of Dundie, JOHN FINLAYSON, GEORGE RAMSAY, JOHN SCHERVAN, and JOHN PIERSONE, Baillies thereof, with a grit number of the Counsale of the said Burgh, being convenit in the counsal hous thairof, anent the complaint maid be the said GEORGE RAMSAY, baillie, aganes JOHN FEIRNE, baxter, viz., That the said JOHNE, upon the first day of this instant, upon the hie calsay of this burgh, fornent the mercat croce thairof, abused ȝ vilipendit the said GEORGE RAMESAY, bailie, be lifting of his leg skornefullie ȝ flinging at the said GEORGE, and be setting up his nose ȝ thrawing his faice at the said GEORGE, and lykwayis that the said JOHN, being commandit to pas to waird be the said GEORGE for his behaviour foresaid, he disobyit wilfullie, ȝ putt hand on the officiares; baith the pairties being hard, ȝ the Depositiones of certaine famous witnesses sworne ȝ admittit in presens of the parties, being considerit, the foresaids provest ȝ baillies hes found that the said JOHN FEIRNIE misbehavit himself to the said GEORGE RAMESAY, Baillie, in manner foresaid, be thrawing of his nose and faice ȝ flinging at the said baillie, and lykwayis the said JOHN disobeyit and maid impediment to the saidis officiaris quhen they were commandit him to waird, ȝ Thairfor, the saidis provest ȝ baillies decernis the said JOHN FEIRNIE to haif incurrit the panes contenit in the lawis ȝ actis of the burgh maid anent persones behaving themselfis irreventlie to the Magistratis thairof, and disobeyaris of the saidis Magistratis, viz., the said JOHNE to pas presentlie to the croce of this burgh, and thair upon his knees ask the said GEORGE RAMESAY'S pardone; and in cause the said JOHNE at any tyme hereafter trouble or molest any peaceable nychbour otherwayis nor be order of law, he is actit to pay three hundreth merkis to the reparatione of the common warkis.

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A Free Library in operation in 1636.

7 March, 1636.—Whilk day the Provest, Baillies, and Counsell being convened within the Counsell-hous thairof, his statute and ordainit ane visitatione of thaire librarie to be ȝeirlie heirafter be the Provest, Baillies, and Counsall of this burgh, and till try the extent of the bookes thairin, that nane of thame be spoyled, mould, or riven, naither wanting of those whilkes ar contained in the Inventure; and sicklyke that thaire be ane uther new Inventure maid of the saidis bookes, with ane of the keyes of the librarie shall remaine in the custodie of the Kirkmaister of this burgh, and becaus the ministeris, schollaris, and students within this burgh have the maist frequent use of the saidis bookes: Thairfore, and for the better keeping of them, that the Ministeris, and those quha shall have the keeping of the keyes of the said librarie, shall be comptibill for all the bookes therein, conforms to the Inventure, and that they shall neither loss, put away, or give out of the said librarie any of the saidis bookes without the consent and advise of the said Kirkmaister, and that upon sufficent pledge to be put in the hands of the said Kirkmaister, till remaine in his hands ay and quhille the redelyvery thairof back againe in als good estait as they wer lent; and sicklyke, the said Kirkmaister, with the Ministeris, after the dimitting of his office, shall with thame give an compt of the whole books to the Provest and baillies and Kirkmaister who shall happene to be for the tyme, and shall delyver to his successor Kirkmaister the Inventurie of the saidis bookes, whilk shall mack mentione of the name of ilk book and of the giver, quhen they were given; and sicklyke the key of the door of the Librarie to the said Kirkmaister.

An addition to Old Steeple, 1644.

13 August, 1644.—The present baillies declared that they had uplifted from the breweris of aill within this burgh 200 dollaris, ꝛc that they had resolved to employ the same upon two roundis to be

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built upon the Steeple, and that they had for that effect aggreit with JOHN MYLNE, Maister Measoun, to give him 800 merkis for the same, for the quhilk he was to furnish all necessaries, scaffoling ꝛc all, except iron work, and for the ground ꝛc soll of those roundis the said JOHNE wold referre himself to the counsalle's discretione. The said JOHNE compeired, ꝛc acknowledged the haill particulares, ꝛc enacted himself for performance of the same with all convenient diligence, at the farthest befor the 2 day of februar, 1645.

(Signed) J. MYLLN.

On 17th September, 1733, the Council resolved to put a New Roof on the Old Steeple;

And on 22nd August, 1771, they further repaired it, and also ordered the Town House to be painted;

And again in 1788 the Steeple was repaired at the expense of the Council.

The Inhabitants called out to Fortify the Town, 1645.

In 1645 various Acts are recorded in the Minutes fining persons in authority who deserted their party "when MONTROSE and the Irish rebels came aganes the toune;" and great efforts were for some years made to fortify the town to resist similar attacks. A ditch outside the walls of the Burgh seems to have been considered necessary, and the Inhabitants were called on to excavate the same. One of these resolutions will explain their actings:—

28 April, 1646.—The Counsalle takand to their consideration the necessitie of casting the ditch alonges the eist end of the toune, hes ordainit that all the inhabitants of this burgh shall be reqyred to come and work *per vices*, and such as shall not come furth, after they are reqyred, to pay 6 sh. *toties quoties*; ꝛc ordains intimation to be maid heirof be the drume.

And a few years later, when serious danger threatened the Town, great efforts were made for defence. On 3rd August, 1651, a special meeting of the Council was held, and they appointed a number of persons specified in the Minute to attend upon the repair of, and re-edificing of the fortifications:—

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The Counsall taking into their consideratione that, be ane act of the Counsallie of the estaitis, datit 11 day of September, 1650, they have ordair grantit to them to put thair burgh in securitie from all invasione of the enemie, and to remove all impediments that may hinder the same; and withal considering that the toune can not be put in ane reasonabil securitie unles that the haill houses in the Walgait, Cowgait, & without the Seagatt port be presently spectit and demolishit, Thairfor they have ordenit and ordenis JOHNE MILN, Elder Maison, and ROBERT STRAQUHAN, Wricht, to pas to the ground of the saidis landis, and thair to compreys the saidis haill houses, quhat these are worth, and of the present estait & condition thair of, ilk manis land severallie be himselff, and to referrit back agane the same to the counsell, upon thair gryt aith, under thair subscription.

The Magistrates assessed the Inhabitants for the money necessary to strengthen the walls and fortifications prior to the assault by General MONCK, and a strong local force was organized to defend the Town. They "thoght it necessarie that the greatest ordinance be placed at such places upon the seasyd as shal be most requisit, and hes entrusted the cair of the execution hereof to WILLIAM ROGER, ALEX. CARMICHELL, and JOHNE LAITT. GILBERT GUTHRIE is ordaned to attend the helping of the fortificationes, and the Magistrattis hes promised to assist the bringing furth of the women with barrowes for carrying faill. ALEX. HALYBURTONE, younger, & THOMAS TOSCHE ordaned Captaynes to the Nethergait; JOHNE DUNCANE, ALEX. DAVIDSONE, Captaynes for the Overgaitt; THOMAS GAIRDINE, captayne for the Murraygaitt, & WILLIAM WATSON for the Seagaitt," and a number of Inhabitants were nominated to attend to the fortifications, "and to use ane spedie dispasche for that effect." The unfortunate result, however, of MONCK's assault is matter of history, notwithstanding the praiseworthy efforts of the Inhabitants for the defence.

Expense of Members of Parliament before the Union.

14 March, 1704.

The said day Baillie PRESTONE produced in Counsell The account of Provest SCRYMGEOUR, his charges as a Commissioner to the last Session of Parliament, off which the tenor follows, viz: Gevin to my Lord Register, with his Commission, Ane Guiney, and to his

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servant ane rix dollar, inde Seventeen pound two shillings Scots: Dispurst for ane hatt, Ribbons, & Shoes to JOHN ROBERTSON, officer, Four pound ten shillings Scot. Item, for the said Commissioner, his charges & expences at y^e^ Parliament, with allowance of six days for going & coming, Seven hundreth & threty pound money fores^d^, q^r^of the Com^r^ at three sẽall times received three hundreth and sixtie pound Scots, soe that there rests to balance three hundreth nyntie one pound 12/8 for whole Ballance;—the Councell appoynts Bond to be granted to the said Provest SCRYMGEOUR, and ordains the Nyne Deacons of trades to be convened against next Councell for making ane previous act thereto.

Note.—It was the practice that the Trades representatives should concur in any money acts of the Town Council.

News in olden times, 1700.

On 8 October, 1700,—The Counsell, upon ane former Report of Provest BLAIR of agreeing w^t^ JOHN RITCHIE, Keeper of y^e^ post office in Edin^r^, for furnishing this town w^t^ the publick news at y^e^ rate of six pound Starling yearly, Therefore appoynted, and hereby appoints the Treasurer to pay to y^e^ s^d^ JOHN RITCHIE the fores^d^ six pound Starling (for furnishing the towne w^t^ three flying posts, three post-scripts, two London gazets, and two Edin^r^ gazets weekly, w^t^ what other new occurands falls out), and y^t^ yearly during the s^d^ JOHN RITCHIE's his furnishing the fores^d^ news and the town holding of them—his entry commencing on y^e^ twentie-nynth August last; and appoints the Clk. to give an extract hereof, and to write to y^e^ said JOHN RITCHIE that, although the towne pays six pounds Starling yearly, yet its unreasonable to pay so much as the towne of Montrose, who differ from them in y^r^ postage, but by reason of Provest BLAIR's agreement they would pay it for this year.

There was a practice of placing the Papers in one of the Shops in Town, so that the Inhabitants might have the opportunity of reading the news.

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Stob's Fair held in Cowgate, 1717.

20th June, 1717.—Appoint the yearly Fair belonging to the Town, and commonly called Stob's Fair, to be held in the Cowgate and waist ground w^t^out the Port, and ordain the same to be intimate to-morrow by the Drum.

Intimation of Deaths, 1720.

On 23 August, 1720.—The Councill upon cerious consideration appoint the Bellman to be discharged (prohibited), when he is proclaiming any dead person through this Town, to proclaim the defunct person faithfull Brother or Sister, but only that there is a Brother or Sister departed, &^ca^.

Severe Punishment of an offender.

26 August, 1720.—The Provest produced the Extract of the Lords of Justiciary's Sentence ag^ns^ THOMAS GILKIE, Cordiner in Dundie, att Ed^r^ 9^th^ of August Instant, which was read in Councill; and as by the s^d^ Sentence the s^d^ THOMAS is deprived of his ryt of Burgesship & freedome of y^e^ s^d^ burgh, so the Councill likeways, in obedience to the s^d^ Sentence, do hereby deprive the s^d^ THOMAS GILKIE of his ryt of Burgesship & freedome of this Burgh, and declare him incapable of enjoying the same in all time coming; and considering y^t^ by the s^d^ sentence of the Lords of Justiciary the said THOMAS is to be scurged through the Town this day betwixt the hours of ten & twelve forenoon, at the five most publick places, receiving ffive strips at each place, The Councill condescend on the five places following as the most publick places qre he shall be scurged by the Scurger conform to the s^d^ sentence, viz., to be taken, according to y^e^ s^d^ sentence, from the prison of this Burgh, qre he prs̃tly lyes, to y^e^ head of the thortor raw in the Overgate, yre to be first scurged, & next at y^e^ cross, & next at the north door of y^e^

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scambles in the Murraygate, & next at the head of the Seagate for ag^{t} Tendall's Wynd, and from thence to the tron, & to receive five strips at each of the saids five places, conform to the s^{d} Sentence, & y^{e} sett at liberty: & the Provest delivered the Extract of the s^{ds} Lords of Justiciary's Sentence to the Bailies present to see the same putt to execution.

Dispensation of the Sacrament, 1733.

Monday, 1st January, 1733.—The Provest represented to the Councill that the Ministers had been speaking to him anent having the Sacrament given twice in the year in this place, and it was proposed that the Kirk fabrick should pay for the Communion Elements once & the Hospital the other time every year;—and after voting, it was unanimously agreed that the Sacrament should be administrate in this place twice every year, & that the Kirk fabrick should pay for the communion elements one time & the Hospital the oỹr time; & the Councill recommends to the Provest to desire the Ministers to observe the same way, both as to the order & length of time in preaching, as in Edin^{r}.

Appointment of a Town's Piper, 1734.

Petition of JOHN FENTON, late pyper to the Earl of AIRLIE, craving to be admitted Town Officer and pyper, in place of ROBERT OWEN, who formerly enjoyed both these offices, but was lately removed therefrom. After voting, unanimously granted. Thereafter the said JOHN FENTON being called in, accepted of his office, and promises to be fathful; and was ordered to goe with the hautboy at six of the Clock every morning in Summer and eight in Winter, and to goe with his bagpipe with the Drum at y^{e} usuall time at night.

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Resolution to Buy St. Nicholas Craig, Chapel, and Pertinents, 16th May, 1737.

The Councill appoint B. LYON, B. DONALDSON, B. READ, and B. YEAMAN as a Commitee to converse with Mr. Wm LYON, Advocate, and see if he will sell to the Town the Right he has to St. Nicolas Craig and pertinents, who went out and waited on the said Mr. LYON, and a little after returned to the Councill and reported that Mr. LYON offered to sell his Right to St. Nicolas Craig to the town for twenty-five pounds sterling money. The Councill after voting, agree to give Mr. LYON twenty-one Guineas for his Right to said Craig and pertinents, he always makeing up proper titles thereto as assigning them into B. DOWNIE'S Tack of the same.

The subjects were acquired. (See Titles, No. 271 of Town's Inventory).

Act against Beggars coming to Town, and Landlords harbouring them, 1773.

11 March, 1773,—The Council considering how much the Town has for these many years past been oppressed by Beggars who do not belong to the Town, but who leave the Parishes to which they properly belong, and which Parishes are generally both able and willing to maintain their own poor; and Considering that this grievance is chiefly occasioned by Landlords in the Burrow Setting houses to these Beggars, upon their coming into Town, at the most trifling rents, For preventing whereof in time coming, the Council do hereby Enact, That no person in the Town shall set a House to any person coming from the Country at a rent under twelve pound Scots yearly, unless they produce to one of the Magistrates a Certificate of his former good behaviour, and satisfy the Magistrate that he has a trade, or is in such circumstances as can maintain himself and family. And it is hereby enacted, That every Landlord transgressing against this Act shall be liable in a fine of ten pounds Scots for each transgression; and the Council appoint this act to be intimate thro' the town by tuck of drum, that none may pretend ignorance thereof.

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Plan for Building Trades Hall at East End of High Street approved, 1776.

Town Council, 26th March, 1776.—WILLIAM BISSET, present Conveener of the Nine Trades, represented to the Council that, by the Articles of Roup of the ground whereon the Flesh Shamble is situate, he is bound that the Building to be erected thereon shall have a pavilion roof; That by the Plan of the proposed building the Trades mean, if the Council should consent to it, that the restriction of the Pavilion on the west end should be taken off, and that they should be allowed to erect a Tympany on the West Gavel Wall, which would greatly ornament the Building and beautify the street,—which being considered by the Council, they agree that the Trades erect their Building in the manner proposed, notwithstanding the Restrictions in the Articles of Roup.

The Town's Cross, 1777.

30 June, 1777.—After voting, the Councell came to a resolution that the present cross should not be removed.

23 October, 1777.—The Councell being now sensible, by the new paving of the Streets, that the cross remaining in its present situation will be very inconvenient, They agree that it shall be taken down and removed, and appoint the same to be done accordingly.

Note.—The Cross, the scene of so much public officialism, was accordingly removed from the middle of the High Street, and lay unheeded, almost in ruins, until within the last few years. It has, however, been restored and erected by the Town Council near the Old Steeple, within the Church Railing in Nethergate.

Act for building Pier at the Craig, 1781.

Town Council, 19th March, 1781.—The Committee to whom it was remitted, by Sederunt of the eleventh of December last, to get in Estimates of carrying out a pier at the Craig, so as to improve the Landing place and to make easier and safer the boating of Horses &

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other Bestial, there reported that they had got in Estimates from different Tradesman, and produced these Estimates to the Council, with Proposals for building the said new sloping pier, describing the size of the Stones and the manner the work was to be performed; and Which Estimates and Proposals were considered by the Council, and they came to the resolution that the pier should be built in terms of & agreeable to the proposals, and that the Estimate given in by JOHN SIMSON, Mason, offering to perform the work for One hundred & forty pounds sterling should be acepted of; The work to be completely finished within five months from the date of the Contract. And the Council authorised & empower JOHN THOMS, present Treasurer, & DAVID MYLES, present shoremaster, for and in name of the Town Council, to enter into Contract with the said JOHN SIMSON for performing the said in terms of the proposals and his Estimate, and to bind the Town Council, and their successors in office, for the price agreed on, being One hundred and forty pounds sterling. And the Council resolve to raise what part of the Sum they can by voluntary subscriptions.

Note.—The Council by subsequent Acts made farther improvements at and near the Craig.

The Town Council on Extension of the Suffrage and the Abolition of Patronage, 1783.

10th February, 1783.—The Provost produced in Council two Letters addressed to him, one of them signed by several Merchants and other Inhabitants in this Borough, and the other by Conveener WILLIAM BISSET, in name of the Trades, both requesting him to Conveen the Town Council, in order that they might have under their consideration an Application to Parliament for a more equal Representation of the People,—which Letters were both read in Council, and the matter therein suggested being taken under their most serious consideration, They are of opinion that the object proposed is of the

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last importance, as involving in it a most material alteration of our excellent Constitution; That experiments on a System so justly and universally admired as the British form of Government, especially on the Essentials of it, are always dangerous, and should never be attempted but on the clearest evidence of their being calculated and having a tendency to promote the Public Good; That the alteration proposed should have been particularly condescended upon, so as to have been the object of deliberate and unprejudiced discussion, without which no proper Estimate can be formed of its superior advantages to the Society over the present mode. The Council, therefore, according to their view of this matter, must decline either presenting or concurring in any Petition to Parliament for any alteration in the present System of Representation; but if such an application was afterwards found to be generally favoured by the Royal Burrows, They think it would be made with more effect by the General Convention.

Against the Repeal of Patronage, 1783.

Town Council, 10th February, 1783.—The Reverend Dr SMALL, Mr. DAVID DAVIDSON, and some other gentlemen from the Kirk Session, this day waited on the Town Council, and produced an Extract of a Minute of the Kirk Session, from which it appeared they had agreed to apply to Parliament for the Repeal of those Laws on which the Right of Patronage is founded, and these gentlemen, in name of the Kirk Session, wished to know the Council's sentiments on that subject; and being heard upon the matter withdrew. Thereafter, the Council having taken this under their consideration, they are of opinion, That the present Laws establishing the right of Patronage in Scotland are founded on the soundest principles of reason and expediency, and that an alteration would be a violation of private right, and highly endanger the public Tranquility, and therefore refuse either to make or concurr in any application for a Repeal of these Laws.

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Resolution by Town Council against Theatres, 1784.

9 Aug^{t}, 1784.—The Council & Trades being informed that Mr. JACKSON, Manager of the Edinburgh Theatre, and his Company, intended to perform plays in this Borough, they are of opinion that exhibiting Plays here is not authorised, but in direct opposition to the Laws of the Country, and prejudicial in many respects to the interests of the Society. They therefore unanimously resolve by every legal means to oppose Mr. JACKSON and his Company in exhibiting Plays here, and they recommend to the Magistrates to take every proper step for that purpose.

THE CEREMONY OF RIDING THE TOWN MARCHES

(Examining the Boundaries of the Town's Properties), 1727.

THIS was an ancient Custom observed in most of the Royal Burghs. It was performed periodically, and there are several entries of the ceremony in the Town's Records. It may be interesting here to give an Excerpt from a Minute of the Town Council in 1727 of this ceremony of Riding the Town's Marches:—

"The towns marches being ridden on Wednesday the fourteenth of June Instant, the note of procedure and observations thereon were produced and read, the tenor whereof follows:—Att Dundee the fourteen day of June, one thousand seven hundred & twenty-seven years, Pursuant to ane Act of Councill of the date the thirty-first day of May last The Lord Provost, Bailies, Treasurer, & Remanent Members of Councill of the said Burgh, accompanyed with the Dean of Gild and his Assessors and some other members of Gildry and maltmen who were Gildbrethren, invited by the Provost and Dean of Gild; as also the present & late Conveeners & Deacons of Crafts, and the Vassalls of the Hilltoun, being

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conveen'd at the Cross of the said Burgh, proceeded to the Nethergate port, and from thence in the Rod next to the Sea to the west end of the Magdalen yeards for rideing the towns marches, and went from the said place in the following order, viz.—the Lord Provost, Magistrates, & Councill preceeded, and were followed by the Dean of Gild and his Assessors, and the other members of Gildry and maltmen who were Gild brethren invited as above, then by the present Conveener and nine Deacons, and after them by the late Conveener & nine Deacons, and lastly by the Vassals of the Hilltoun; and having viewed the March Stones on the North side of the said Magdalen yeard, They found ane Incroachment thereon by Blacknes—The dyke betwixt it and Blackness's land being on the Southside of the eastmost March Stone save one, Whereas that Dyke ought to be on the Northside of all these march Stones." [They then proceeded to ride along the Burgh Properties within the Town, and when at Cauldside, a Committee was appointed to examine the lands at Baldovan, miln dams, and other subjects.] They then returned and joined "the whole Company, who proceeded in the high way leading to Kirktoun of Strathdighty till they came to the high way on the west side of Trotick miln, where a comitee was appointed to go and visit Hobbert's miln; who accordingly went off, and the rest of the Company proceeded on the sd high way below Kirktown of Strathdighty till they came to the Milntoun of Craigie, where they were Joyn'd by the foresaid Comitee, who Reported that they had visited the said Hobberts miln & miln lands and found one of the towns march stones bewest the yeard belonging to the miln out of its place and Lying above the ground, and Likeways found that the main water of Dighty, if not prevented, will make a new Current through the whole haughs belonging to the Town, it being already incroaching on the Borders or marches thereof; As also that there Several breaches in the Lead or intake of the water to the said Miln, and that the Millers house wants a new Cover of thatch and divots. Thereafter the whole company proceeded to the North Ferry, where the Provost went to his ordinary chair in the Rock at the west end of the said ferry, opposite to Jean Machans house—[This is the rock opposite Hare Craig called the Provost's Chair, being the eastern boundary of the Town's Salmon Fishings]—and after taking some refreshment they return'd to the Stannergate, where the Rolls were called and absents marked; and afterwards they marched in the following order, viz.—The Vassals of the Hilltoun preceeded, and were followed by the late Deacons & Conveener, then by the present Deacons & Conveener; after them the maltmen & others who were Gild brethren, assessors and Dean of Gild, and lastly the members of councill, Magistrates and Provost; and in the same order proceeded through the Cowgate & Murraygate Streets towards the Cross, where, after using the orderly compliments to the Lord Provost, Magistrates & Councill, the Company dismist."

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CHARGES ATT RIDING THE TOUN'S MARCHES,

the 14 Day of June, 1727.

By cleansing the Provost's chair at the Ferry,	£0	14	0
By Margt Machan's acco^{t} for Ale & Brandy,	5	6	0
By Jean Machan, for 6 pints of ale there,	0	12	0
By bread, 18/–; house hyre for 4 toun officers, £2 8/ =	3	6	0
By VI Bottles Wine wt Magnts & Military officers,	10	4	0
By bread wt Do., 4/–; ale to toun officers, 10/–	0	14	0
By 3 Glasses broke, @ 3/–, is	0	0	9
By ane Hautboy & violine, £3; ye horse hyre, £1 4/–	4	4	0
	£25	0	9

In June 1736 the same ceremony was repeated. It is recorded, after inspecting the various properties within Burgh,—

"Having proceeded in the Overgate & up the Burial Wynd they found the March Stones at the Stent tree hill in gd order, But found that there was a march broken upon the West Side of the Hilltoun. Thereafter the procession, accompanied as said is, went in the usual manner to the Toun's Milne at Baldovan, where they found several March Stones, some of them so sunk that they could scarce be discovered, & others of them broken down; and from thence they proceeded to the North Ferry, and after some refreshment taken in ROBERT PHILIP'S house, the Provost, accompanied as said is, went down towards the seaside & took his Seat in a Chair cut out of the Rock at the west end of the said ferry, and after using the ordinary ceremonies practised on the like occasion, they returned home to Dundee—The Deacons of Crafts & Convenèr proceeding first, then the Dean of Gild and his assessors, and last of all the Magistrates & Town Councell, and they proceeded in the Cowgate and up the Murraygate Streets in the same order towards the cross, where all lighted and went up to the Town House & there drunk the Royall healths & prosperity to the Good Toune, as usual on the like occasions."

Note.—I have been more particular in giving these ceremonies at riding of the Town's Marches, as they shew conclusively that the Town's Fishings extended to the West Ferry, and the black rock which stood opposite Harecraig, called the Provost's Chair, was the Eastern boundary. This was all along well known under the ancient titles and possessions of the Town, but in the Charter of King CHARLES the eastern boundary of

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the Fishings is called Kilcraig. This, no doubt, is the ancient name of the Rock; but some years ago, in consequence of a statement in a history of Dundee that the Town's Fishings only extended to Kilcraig, and that being the name given to the residence of the late Mr. C. KERR near Carolina Port, it was assumed that was the Eastern boundary. The Crown authorities observing this, called on the Town Council to desist fishing at the Stannergate and West Ferry as being beyond their boundary. Mr. KERR, fortunately, was able to satisfy the Crown authorities at an interview in London, at which I was present, that he only recently gave his property the name of Kilcraig, and that its ancient name was Quarryholes or Scleat heugh, and that the Kilcraig mentioned in the Charter was at the West Ferry. I have therefore been anxious, by narrating the riding of the Town's Marches about a century and a half ago, to prove this fact, and that the rock opposite West Ferry, called the Provost's Chair, is the Eastern boundary of the Town's Fishings. In the sketch and documents, No. 288 of the Town's Inventory, it will also be seen that this is the boundary between the Town's Fishings and the Fishings of Lord DALHOUSIE at that point.

W. H.

No. 144. of Inventory. *Commission by Lord-Lieutenant in favour of the Provost of Dundee as a Deputy-Lieutenant of Forfarshire, dated 18th April, 1796.*

THE Right Honourable ARCHIBALD, Lord DOUGLAS, His Majesty's Lieutenant in and for the Shire of Forfar, To ALEXANDER THOMS, Esquire, present Provost of the Burgh of Dundee, or any other your successor in office for the time being: By virtue of the power and authority to me given by the King's Most Excellent Majesty by his Commission of Lieutenancy in the shire of Forfar, under the seal appointed by the Treaty of Union to be kept and made use of in Scotland in place of the Great Seal thereof, dated the seventeenth day of March, in the year one thousand seven hundred and ninety-four, Have, by and with His Majesty's approbation, Nominated, Constituted and Deputed, and by these presents Constitute and Depute, you, the said ALEXANDER THOMS, present Provost of Dundee, and your successors in office for the time being, as aforesaid, to be one of my Deputy-Lieutenants in and for the said shire of Forfar, To Act, Do, execute, and perform all and every act, acts,

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powers, matters, and things which, on the parts of Deputy-Lieutenants respectively by the Laws now in force in that part of Great Britain called Scotland, may or ought to be acted, done, executed, and performed in all things within the said Burgh, Liberties thereof, and parish of Dundee, allenarly, according to the true intent and meaning of the same. Given at Bothwell Castle, under my hand and seal, this eighteenth day of April, in the thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, and in the year of our Lord, one thousand seven hundred and ninety-six.

(Signed) DOUGLAS.

[His Seal attached.]

(Letter, enclosing the Commission.)

BOTHWELL CASTLE, *18 April, 1796.*

To ALEXANDER THOMS, Esquire,
Provost of Dundee.

SIR,

With this letter you will receive a Commission appointing you a Deputy-Lieutenant in the County of Forfar. By nominating you to that office, I am satisfied of my obedience to the orders received from his Majesty, when I consider you not only as capable of undertaking the charge committed to you, but as a gentleman firmly attached to his Majesty's person and government, and to the principles of our happy Constitution.

In the discharge of this duty, you will naturally be induced to follow that line which will be most conducive to the peace, security, and good behaviour of the Inhabitants in that district over which

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your Commission more particularly extends, and I am persuaded such measures as have already had His Majesty's approbation for the above purposes will receive your assistance and support.

As I am desired to report from time to time my proceedings in the County of Forfar, and to transmit the same to His Majesty's Secretary of State, I must request you will enable me to do so by informing me whenever any occurrence arises which it is proper Government should be acquainted with.

Before acting under this Commission, the Law requires that you take and subscribe the oaths of allegiance and abjuration, and subscribe the assurance appointed by Law for persons having places of trust, which any two Justices of the Peace are enabled to administer; the same must be certified to the next quarter sessions of the County.

The district to which your attention will be particularly directed is the Town and Parish of Dundee.

I am, Sir,

Your most obedient
& Most Humble Serv^{t},

DOUGLAS.

No. 148. of Inventory. *Extract Discharge by the Dean of Guild and his Assessors to the Magistrates and Council upon delivering up the Guildry's Funds and Papers, dated 26th and 27th November and 3rd December, 1817.*

I, PATRICK WHITSON, Esquire, Dean of Guild of the Burgh of Dundee, and We, JOHN JOBSON of Rosemount, Merchant in Dundee, DAVID JOBSON, Banker, WILLIAM ROBERTS, Banker, JOHN CROOM, Merchant, DAVID MILN, Banker, JOHN STURROCK, Merchant, DAVID BLAIR, Junior, Merchant, THOMAS MITCHELL, Merchant, WILLIAM BISSET, Merchant, HENRY BLYTH, Merchant, JOHN PETER,

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Merchant, THOMAS IVORY, Engraver, HENRY BELL, Merchant, WILLIAM ELLETT, Merchant, ARCHIBALD CRICHTON, Merchant, JAMES KEILLER, Merchant, THOMAS WATT, Merchant, ANDREW GARLAND, Tobacconist, JOHN WATT, Merchant, THOMAS NEISH, Junior, Insurance Broker, JAMES DUNCAN, Junior, Merchant, JAMES SOOT, Merchant, WILLIAM LINDSAY, Merchant, EDWARD BAXTER, Merchant, WILLIAM CATHRO, Brewer or Maltman, and JAMES SAUNDERS, Writer,—all in Dundee, and all Members of the Guildry Incorporation of Dundee, and Assessors elected by the said Incorporation to the Dean thereof, conform to an Act or Minute of the same dated the eighth day of October last, considering that a Summons of Declarator and Count and Reckoning was lately instituted before the Lords of Council and Session, at the instance of ROBERT JOBSON, Merchant in Dundee, and of us, the said WILLIAM LINDSAY, JOHN STURROCK, WILLIAM ROBERTS, DAVID MILN, JOHN PETER, DAVID BLAIR, Junior, and WILLIAM ELLETT, and WILLIAM CATHRO, for ourselves, and as a Committee on behalf of the whole members of the said Guildry Incorporation, against JOHN GUILD, Esquire, then Provost of Dundee, DAVID BROWN, PATRICK ANDERSON, COLIN SYMERS, and DAVID HAZEEL, then Bailies, ANDREW PEDDIE, then Dean of Guild, and the other members of the Town Council, and Deacons of Crafts of the said Burgh, concluding, *inter alia*, that it should be found and declared that the Guildry Incorporation of Dundee had the sole and exclusive right of managing their own funds, either by general Meetings of the said Incorporation or through the medium of a Committee to be elected from time to time by the Suffrages of the Guild Brethren at their general Meetings; and that the said Defenders should be decerned and ordained to desist and cease from collecting the dues payable to the Guildry Incorporation of Dundee, and to allow the Pursuers, or any other Committee appointed by the Guildry Incorporation to intromit with and manage the proper funds of the Guildry Incorporation, in all time coming, without molestation or interruption: And farther, that

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the said Defenders should be decerned and ordained to exhibit and produce before the said Lords a full and particular State of Accounts, and of their whole intromissions with the funds of the Guildry Incorporation, whereby the true balance due by the said Defenders to the Pursuers might appear and be properly ascertained; and that the said Defenders should be decerned and ordained to make payment to the Pursuers of such a sum as should appear to be due by them as the balance of their said Intromissions, with interest that might be due thereon, and in time coming till payment; and further, that the said Defenders should be decerned and ordained to denude themselves of all Lands or other heritable subjects belonging to the said Guildry, and to assign the writs and evidents thereof, by granting all deeds requisite and necessary in favour of the Pursuers, in behalf of themselves and the whole members of the Guildry Incorporation of Dundee, with warrandice from their own facts and deeds; and lastly, concluding for expenses of Process and of Extract. And further, considering that after various proceedings had taken place in the foresaid Action, the Town Council of Dundee, at a Meeting held upon the thirteenth day of October last, unanimously authorised a Committee of their number, consisting of the present Magistrates, Dean of Guild, Treasurer, Hospital Master, and WILLIAM SMALL, one of the Town Clerks of the said Burgh, to meet with the Guildry, or their Committee, and make arrangements with them for delivering over the funds, books, and papers of the Guildry to the Dean of Guild and to the assessors who were chosen by them at their Meeting on the said eighth day of October last; and now seeing that, agreeably to the arrangement made by the said Committees, ALEXANDER RIDDOCH, Esquire, Provost, DAVID BROWN, PATRICK ANDERSON, DAVID HAZEEL, and JAMES GRAY, Bailies, PATRICK WHITSON, Dean of Guild, GEORGE THOMS, JOHN CRICHTON, and ANDREW PEDDIE, old Bailies and Councillors, JOHN CALMAN, Treasurer, JAMES SMITH, Junior, Shoremaster, JAMES SMITH, Councillor to the Guild, Sir DAVID WEDDERBURN of Ballendean, Baronet, JOHN GUILD, DAVID BLAIR, ARCHI-

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BALD OGILVIE, and WILLIAM BARRIE, Merchant Councillors, and KINNAIRD BROWN, COLIN SALMON, and DAVID HILL, Trades Councillors, and the Deacons of Crafts—all Members of the said Town Council, have made payment to us the said Dean of Guild and Assessors of the sum of Twelve Hundred Pounds Sterling, being money borrowed by the Town out of the funds of the said Guildry Incorporation, with Thirteen pounds six shillings and two pence, being the interest due thereon since Whitsunday and Martinmas last to this date,—all prior interest having formerly been added to the principal, or otherwise settled for; and that they have likewise made payment to us of the sum of Five hundred and six pounds Sterling, deposited by them on behalf of the Guildry in the Dundee Bank, with Eight pounds, being the interest due thereon—amounting, the said sums, to Seventeen hundred and twenty-seven pounds six shillings and two pence Sterling; and, moreover, that they have delivered to us two Extract Bonds granted to the Dean of Guild by them as Patrons of the Kirk Fabric, amounting to the sum of Five hundred pounds Sterling, and have also delivered to us the various books, papers, and other writings specified and contained in an Inventory subscribed by us as relative hereto, and herein referred to *brevitatis causa*, together with a variety of old papers and writings in a chest, of which we have not thought it necessary to make an Inventory;—of which sums of money, books, papers, and other writings we hereby grant the receipt, renouncing all objections to the contrary. And we being satisfied that the said ALEXANDER RIDDOCH and the other members before mentioned of the said Town Council have thus accounted fully and fairly for their Intromissions with the Estate, funds, and effects of the Guildry Incorporation, and have delivered up all the writs and documents in their possession belonging to the said Incorporation, Therefore we, the said Dean of Guild and Assessors, for ourselves, and as authorised by and representing the said Guildry Incorporation, have exonered and discharged, and by these presents exoner, acquit, and *simpliciter* discharge the said Magistrates

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and Town Council of Dundee, and their successors in office, of the said Process of Declarator and Count and Reckoning depending before the Court of Session, whole conclusions and effects thereof, and all that has followed or might be competent to follow thereupon, for now and for ever. And further, we have exonered and discharged, and hereby exoner, acquit, and *simpliciter* discharge the said Magistrates and Town Council, and their foresaids, and their predecessors in office, in all time bypast of all Intromissions had by them, or any of them, or their collectors in their names, with the Estate, funds, and effects of the said Guildry Incorporation, and of all acts of administration done by them, or any of them, relative thereto, and of all omissions (if any have been) which we or our constituents, or our or their successors in office, as Members of the said Guildry Incorporation, can lay to their charge, and of all claims or demands for all or any writs and evidents whatever pertaining to the said Guildry Incorporation at and preceding the date hereof, and of all action, diligence, and execution competent at the instance of us or our constituents, or the said Incorporation, against them in any manner of way concerning the premises: Dispensing with the generality foresaid, and declaring that this Discharge shall be equally effectual as if the several intromissions and omissions (if any have been) of the said ALEXANDER RIDDOCH and others before mentioned, present Members of the said Town Council, and their predecessors in office, or their said collectors, acts of administration done by them, or any of them, and writs and others foresaid were herein particularly specified. And we bind and oblige ourselves, and our constituents, the said Guildry Incorporation, to warrant this Discharge to the said Town Council and their foresaids at all hands, and against all mortal. And, moreover, we bind and oblige ourselves, and our said constituents, to free and relieve the said Town Council, and their successors, of all obligations contracted by them or their predecessors as Managers of the Guildry's affairs, funds, and effects, and of all action and execution competent against them thereupon, and particularly, without preju-

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dice to the said generality, to make payment to the persons following, Ministers of Dundee, and their successors in office, in all time coming (or as long as the Magistrates and Council shall require the Guildry to do so), of the following annual sums, *videlicet*, to the Reverend Doctor ARCHIBALD M'LACHLAN of the sum of eleven shillings and ninepence Sterling, in name of Stipend, from the Guildry's funds, and also of the further sum of Three pounds ten shillings and tenpence Sterling; to the Reverend Doctor DAVID DAVIDSON of the sum of Two pounds ten shillings, and to the Reverend Mr. PATRICK MACVICAR, the Reverend Doctor ALEXANDER PETERS, and the Reverend Mr. JAMES THOMSON, and each of them, of the sum of Seven pounds ten shillings Sterling,—which sum of eleven shillings and ninepence of stipend shall be payable yearly on the term of Lammas, and the other four sums shall be payable half-yearly, by equal proportions, on the terms of Whitsunday and Martinmas. And we bind ourselves to deliver up the before-mentioned Process before the Court of Session, now discharged, and an Extract of the aforesaid Act or Minute of the said Guildry Incorporation containing the appointment or election of us, the said Assessors. And we consent to the Registration of these presents in the Books of Council and Session, or other Judges' Books competent, that Letters of Horning on six days' charge, and all other execution necessary, may pass upon a Decree to be interponed hereto in form as effeirs; for which purpose we constitute the said GEORGE SIMPSON our Procurators, &c^a^. In Witness whereof, these presents, with the said Inventory, written upon Stamped Paper by JAMES STEWART DUCAT, Apprentice to the said WILLIAM SMALL, on behalf of the Town Clerks of Dundee, are subscribed by us, and the Marginal Note hereon, also written by the said JAMES STEWART DUCAT, is subscribed by the said JOHN STURROCK and JAMES SAUNDERS, whom we hereby authorise to sign the same, in respect that it is impossible that all of us can subscribe it, as follows, *videlicet*, by us the said JOHN PETER, THOMAS NEISH, Junior, WILLIAM ROBERTS, JAMES DUNCAN, Junior, DAVID MILN, JOHN CROOM, THOMAS WATT, WILLIAM

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CATHRO, WILLIAM BISSET, EDWARD BAXTER, JAMES KEILLER, HENRY BLYTH, ARCHIBALD CRICHTON, THOMAS IVORY, HENRY BELL, ANDREW GARLAND, JOHN STURROCK, JAMES SAUNDERS, WILLIAM LINDSAY, WILLIAM ELLETT, JOHN JOBSON, and DAVID JOBSON, being a Quorum of the said Assessors, at Dundee the twenty-sixth day of November, in the year One thousand eight hundred and seventeen, before these Witnesses, JOHN BELL and JOHN ANDERSON, both Apprentices to me, the said JAMES SAUNDERS, and by me, the said PATRICK WHITSON, Dean of Guild, at Dundee the twenty-seventh day of the said month of November, in the same year, before these Witnesses, the said JOHN BELL and JOHN ANDERSON. *(Signed)* JOHN PETER, THOMAS NEISH, Jr., W^{M}. ROBERTS, JAMES DUNCAN, Ju^{r}., DAVID MILN, JOHN CROOM, THOMAS WATT, W^{M}. CATHRO, WILL^{M}. BISSET, ED^{W}. BAXTER, JAMES KEILLER, HENRY BLYTH, ARCH. CRICHTON, THOMAS IVORY, HENRY BELL, ANDREW GARLAND, JOHN STURROCK, JAMES SAUNDERS, WILL^{M}. LINDSAY, WILLIAM ELLETT, JOHN JOBSON, DAVID JOBSON, PA: WHITSON, D.G. JOHN BELL, Witness, JOHN ANDERSON, Witness, JOHN BELL, Witness, JOHN ANDERSON, Witness. (The following wrote on the back of the foregoing Discharge)—We, the within-designed Dean of Guild and his Assessors, considering that the sums payable to the ∧ Ministers of Dundee, and their successors, are inaccurately expressed in the within Discharge, hereby declare, before delivery of the said Discharge, that the sums actually payable to them are as follows, vizt., Eleven shillings and ninepence (or whatever sum may be due by the Guildry conform to any Decreet of Locality in favour of the Parochial Minister of Dundee) To the Reverend Doctor ARCHIBALD MACLAUCHLAN yearly; and the sum of Three Pounds ten shillings and tenpence to the Reverend Doctor DAVID DAVIDSON; the sum of two pounds ten shillings to the Reverend PATRICK MACVICAR; and the sum of Seven pounds ten shillings—all Sterling money—to each of the Reverend Doctor ALEXANDER PETERS and the Reverend JAMES THOMSON half-yearly, at the terms within mentioned. And we consent to

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the Registration hereof, along with the within Discharge, in the Books of Council and Session, or others competent to the effect expressed in the said Discharge,—for which purpose we constitute the Procurators therein mentioned. In witness whereof, these presents, written on the back of the said Discharge by DAVID MITCHELL, Writer in Dundee, on behalf of the Town Clerks of Dundee, are subscribed by me, the said Dean of Guild, and by us his said Assessors, or a quorum of us, At Dundee, the third day of December, in the year one thousand eight hundred and seventeen, Before these witnesses—WILLIAM SMALL, conjunct Town Clerk of Dundee, and JOHN BELL, Apprentice to JAMES SAUNDERS, Writer in Dundee. *(Signed)* PA: WHITSON, D.G., JOHN JOBSON, THOMAS NEISH, Jr., WILL.M LINDSAY, JOHN STURROCK, JOHN CROOM, THOMAS WATT, THOMAS IVORY, JOHN PETER, D. BLAIR, Jr., JAMES KEILLER, ARCH. CRICHTON. WILL. SMALL, Witness, JOHN BELL, Witness. (Follows Inventory referred to in the foregoing Discharge, wrote on the back thereof.) Inventory of Books, Papers, and Writings belonging to the Guildry of Dundee, referred to in the within Discharge:—Annual Account Book, from the year One thousand six hundred and ninety-five to One thousand seven hundred and fifty; Ditto, Ditto, from the year One thousand seven hundred and fifty to One thousand eight hundred and seventeen; Extract Registered Bond, dated Eighth January, one thousand seven hundred and eighty-eight, by the Town of Dundee, as Patrons of the Kirk Fabric, to the Guildry of Dundee, for the principal sum of Three hundred Pounds Sterling, bearing interest at the rate of four and a-half per cent.; Extract Registered Bond, dated twentieth November, one thousand seven hundred and eighty-nine, by the Town of Dundee, as Patrons of the Kirk Fabric, to the Guildry of Dundee, for the principal sum of Two hundred Pounds Sterling, bearing interest at the rate of four and a-half per cent.; Four volumes of the Guildry Records. *(Signed)* PA: WHITSON, D.G., WILL.M BISSET, EDW. BAXTER, JOHN CROOM, DAVID JOBSON, W.M CATHRO, HENRY BELL, ANDREW GARLAND, JAMES KEILLER,

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ARCH. CRICHTON, JOHN PETER, THOMAS IVORY, HENRY BLYTH, JAMES SAUNDERS, JOHN STURROCK, WILL.M LINDSAY, W.M ROBERTS, JAMES DUNCAN, Ju.r, WILLIAM ELLETT, JOHN JOBSON, DAVID MILN, THOMAS WATT, THOMAS NEISH, Jr.

THE BURGH SCHOOLS,

AND THEIR INCORPORATION WITH THE PUBLIC SEMINARIES, 1829.

THE Burgh Records for centuries shew the deep interest taken by the Magistrates and Council in the cause of Education. The several Burgh Schools were supported from the Public Funds, embracing the Grammar School, the English School, and the Academy, and the Teachers generally held their office *ad vitam aut culpam* as public officers.

Before the incorporation of these Schools with the enlarged Public Seminaries in 1829, the following were the Salaries paid to the several Teachers from the Burgh Funds:—

FROM THE DISCHARGE OF THE CHAMBERLAIN'S INTROMISSIONS,

For Year from 26th Sept.r 1828 to 24th Sept.r 1829.

II. SALARIES AND PAYMENTS FOR EDUCATION—

1. Salaries to Teachers—

William Murray, Rector, Academy,	1 Y.r	Marts. & Whity.,	...	£80	0 0
George Gauld, Teacher,	Do.,	1 "	" "	... 50	0 0
Jules Legendre, " French,	Do.,	1 "	" "	... 35	0 0
D. R. Andrews, " Drawing,	Do.,	1 "	" "	... 35	0 0
Richard Low, Grammar School,		1 "	" "	... 32	15 6⅔
John Black, Ditto,		1 "	" "	... 43	6 8
James Gardiner, English School,	from 8th Sept.r	to Whity.,		... 20	0 0
Robert Stewart, Ditto,		Ditto,		... 13	6 8
				£309	8 10d/

2. Rent of Academy, paid to the Hospital Fund, for 1 Year, at Martinmas, ... 20 0 0

£329 8 10d/

Besides a sum of about £22 for Prizes to the Schools.

Besides the above, there was paid from the Hospital Fund for the Grammar School £11 2s. 2d., which still continues to be paid.

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About the year 1825, and subsequent years, the encreasing requirements of the Town necessitated encreased Educational arrangements, and the Council appointed a Committee "to enquire into the State of the Academy and other Public Schools, and into the System and means of Education in the Town generally, and how these may be improved; and also as to providing of Suitable Buildings for the better accommodation of the Academy and other Schools, & to report to the Council."

The result of this enquiry was an agreement with a Committee of the Inhabitants who advocated encreased means of Education, and who had subscribed for the purpose, whereby all the Burgh Schools should be incorporated with the Dundee Public Seminaries, and based on principles agreed to by the parties.

These principles are engrossed at length in the Council Record immediately preceding their resolution of approval.

The principal of these Conditions were—

"*First.*—The whole patronage, control, and management of the Public Seminaries shall be vested in Twenty Directors, viz., The Provost and Four Bailies, and Five other persons to be chosen by the Town Council, and Ten persons to be chosen by the Subscribers in the manner after mentioned. But in case any Director or Directors (whether *ex officio* or by election) shall refuse to accept, or after acceptance, shall resign the situation, or shall die before the expiry of the year for which he or they may be appointed to Act, then it shall be in the power of the Town Council and Subscribers respectively to fill up such vacancies among their own Directors, at special meetings called for that purpose," &c.

(The mode in which the Subscribers are to vote for Directors, and various other details as to Management and Election of Teachers, are set forth in the scheme.)

"*Fourth.*—All sums of money already subscribed, or which at any future time may be subscribed, for the erection of buildings for the Seminaries, or the improvement of Education in Dundee, and all others sums applicable to the same purposes, shall be under the management and at the disposal of the Twenty Directors; and in particular, the sum of Two thousand Five hundred Pounds, directed by the recent Act renewing the Ale and Beer Duty in Dundee, to be

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applied towards providing and maintaining suitable Houses for the Public Schools of Dundee, and otherwise improving the means of Education therein, shall be applied toward the erection of the buildings for the Seminaries under this Constitution. It is also understood that printed statements of the receipts and expenditure of the Directors are to be published for the information of all concerned, and their accounts audited at such fixed periods as shall be afterwards determined."

"*Fifth.*—The Magistrates and Town Council shall become bound, for themselves and their successors, that so long as they continue to have the right of levying the duties on Ale and Beer contained in the Act 14th June, 1827, or by any future renewal of the said Act, they shall continue to pay annually to the Directors, for the support of the Public Seminaries, the Sum of Three Hundred and Thirty-eight Pounds Seventeen Shillings and Tenpence Sterling, being equal to the yearly amount of the Salaries of the Teachers of the Academy and other Schools now paid out of the funds of the Burgh (not including the salary or allowance of any retired Teacher). And the Town Council shall also continue to pay annually to the Directors for the support of the Seminaries the sum of Eleven Pounds Two Shillings and Twopence Sterling out of the Funds of the Hospital, hitherto paid from these funds to the Schools. If the Act imposing a duty on Ale and Beer should be renewed, but the rate of duty altered, the annual sum to be paid by the Town Council to the Public Seminaries will be diminished or increased in proportion. If the duty be withdrawn altogether, the above specified obligation on the part of the Council will cease, and they will only then have to consider the interest of the Seminaries comparatively and consistently with the public wants in other respects: But the Directors shall be bound to respect the vested rights of the present Teachers appointed under the Town Council, and fulfil all the obligations which the Town Council are under towards these Teachers respectively."

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"*Thirteenth.*—If the Directors shall decide that it would be advisable and practicable to obtain a Crown Charter in conformity to the Stipulations herein detailed, they will take the necessary steps for carrying this into effect."

"*Fourteenth.*—The ground to be acquired as a Site for the New Buildings, with the Buildings themselves, and all other property, shall be vested not in the Magistrates and Town Council, but in the Directors, or in Trustees to be fixed under the Crown Charter, in case there is such,—in trust for being used for the purposes of the Seminaries under this Constitution; and provision shall be made in the titles, that if by any act, direct or indirect, of the Town Council, or any other body whatsoever, the Patronage or Government of the Seminaries shall become vested in any public body or individuals, contrary to this Constitution, the Buildings and whole other property shall be at the disposal of certain public Trustees, to be named in the titles—(these Trustees to be fixed by the Subscribers at a General Meeting called for that purpose)—in order to be by these Trustees, or under their direction, either used for public Seminaries altogether apart from and independent of the body or individuals through whose act this Constitution has been overthrown, or to be sold, and the price applied by these Trustees, or under their direction, for promoting Education in Dundee."

Resolution of Town Council agreeing to the Incorporation of the Burgh Schools with the Public Seminaries, May 1829.

At a Meeting of the Town Council on 20th May, 1829, the following resolutions regarding the Schools were passed :—

The Council, considering the great importance of providing for the proper education of youth in this populous and rising community, the great extension of Dundee beyond the ancient bounds of the

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Burgh, the necessity of providing suitable building for the Public Schools, the advantages which would arise from extending the course of instruction, and otherwise improving the means of education, and the impossibility of obtaining these ends by the ordinary revenues of the Burgh except by unduly restricting the expenditure in other departments, which it is necessary should be fully maintained; and the Council also considering the great increase in the population of the Suburbs of the Burgh, and in the surrounding district of country from which young persons would resort for education if the school of Dundee were suitable to the enlarged wants of the times; and likewise considering that the Inhabitants of the Burgh and Suburbs, and many of those in the surrounding district, would contribute money as voluntary gifts for the establishment and support of Seminaries sufficient not only for the Burgh itself, but also for the Suburbs and surrounding country, if such arrangements were made as would insure cordial and united support and management by the Council and the contributors for the general advantage of all classes; and the Council being satisfied that no means promise to promote public education in the Burgh so effectually as incorporating one great establishment sufficient for the Suburbs and surrounding Country as well as for the Burgh itself; and the Council having carefully considered the proposals detailed in the before-recited joint-minute or report and relative writing, entitled "Principles on which it is proposed that the Magistrates and Town Council and all classes of the community shall unite in joint efforts for enlarging and improving the means of education in Dundee, and obtaining suitable buildings and other accommodation for the public schools," the Council have declared, and hereby declare their full approbation of the said proposals. And accordingly the Council have appointed, and hereby appoint that the several Public Schools of this Burgh shall form or be incorporated in and with the Public Seminaries, to be established, governed, and maintained as proposed in the before-mentioned writing: And the Council have consented, and hereby consent that the whole patronage, control,

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and management of the Public Seminaries so to be constituted, shall be vested in Directors to be chosen in manner set forth in the said writing; and also that the Directors shall have full power to fix and purchase the site, and determine the plan, dimension, and specification of the buildings to be erected, and make the necessary contracts, and give the necessary orders for the erection thereof. And generally, the Council have consented, and hereby consent to all that is proposed in the before-mentioned writings, in the whole heads, articles, and clauses thereof; and moreover, the Council, acting for the community of Dundee as Trustees of the duty on Ale and Beer aftermentioned, specially engage and become bound, for themselves and their successors, that so long as they continue to have the right of levying the duty on Ale and Beer continued to them by the Act passed in the seventh and eighth years of the Reign of his present Majesty, entituled "An Act for enlarging the term and powers granted by several Acts for levying a duty of two pennies Scots upon every pint of Ale and Beer brewed or vended within the Town of Dundee, and the liberties and suburbs thereof, and for amending the said Acts," by the said Act, or any other Act containing the said duty, the Council shall continue to pay annually to the Directors of the said Seminaries, for the support thereof, a sum amounting to Three hundred and thirty-eight pounds sixteen shillings and tenpence Sterling annually, being the amount at present paid by the Council from the Burgh revenues for the Salaries of Public Teachers; and the Council also specially engage and become bound, for themselves and their successors, as patrons of the Hospital, that they will hereafter in all time coming continue to pay from the fund of the Hospital to the said Directors, for the purpose aforesaid, the sum of Eleven pounds two shillings and twopence annually, being the sum hitherto paid from the said funds towards the support of the public school. And accordingly the Council, as Trustees for the said Ale and Beer duty, directed, and hereby direct their Collector of that duty in their name, to pay as foresaid out of the first of the proceeds

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thereof annually the sum of Three hundred and thirty-eight pounds seventeen shillings and tenpence, and take credit for the same in his account. And the Council, as Patrons of the Hospital, in like manner direct that the Factor for the Hospital shall pay, as foresaid, the before-mentioned sum of Eleven pounds two shillings and twopence annually from the Hospital funds, and take credit for the same in his accounts. But it is specially provided, in terms of the fifth article of the said proposals, that the grant and obligation above written are made on the express condition that the Directors of the Seminaries to be chosen under the proposed constitution shall be bound to respect the vested rights of the present Teachers appointed under the Town Council, and fulfil all the other obligations which the Council are under towards these Teachers respectively. And it is also specially provided, that in case of the renewal by any future Act of the duty on Ale and Beer aforesaid, the rate of duty shall be altered, the annual payment of Three hundred and thirty-eight pounds seventeen shillings and tenpence above mentioned will be diminished or increased in amount in the proportion which the new rate bears to the rate now current. And in case the duty be altogether withdrawn, the obligation now come under by the Council shall cease and determine, and the Council will have to consider the interest of the Seminaries only comparatively and consistently with the public wants in other respects. And, moreover, it is specially provided that all the Acts above written have proceeded, and do now proceed, on the understanding that the proposals above mentioned have been or will be acceded to by the Commissioners under the Ale and Beer duty Act above mentioned, and that the Commissioners have passed, or will pass an Act in reference to the sum of Two thousand five hundred pounds, for which they are Trustees, in the terms and to the effect proposed in the joint-minute before recited. And likewise, on the understanding that subscribers to the amount at least of Two thousand five hundred pounds will also declare their assent, and engage to pay their respective subscriptions to such per-

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son as shall be appointed by the Directors, as set forth in the said joint-minute before recited. And it has been and is a special condition of the said Acts above written, that if the proposals before recited be acceded to, as aforesaid, by the said Commissioners and subscribers, the Acts of the Council above written shall be good and sufficient; but otherwise, they shall be void and of non-effect. And the Council declared, and hereby declare that in passing the Acts above written they have proceeded on the belief that they possess legal powers to warrant all that they have done. But, in case it shall hereafter be found that they have not such powers, and that it is competent to the successors of the present Council to set aside or render of non-effect the Acts this day passed, then, and in order to provide for such a case, the Council have solemnly declared, and hereby solemnly declare that they have acted, and do now act, in the full conviction that the measure proposed is for the public advantage, and they have accepted, and are to accept of the voluntary aid of their fellow-citizens and others in the full knowledge that all those persons are relying on the legal sufficiency of the Acts above written, and also relying on the honour of the Council, and their successors, that they will give full effect to what is now intended without availing themselves of defects in legal form. And the Council have expressed, and do now record their earnest recommendation and request that no succeeding Council will by any Act, direct or indirect, revoke, or in any respect infringe upon or lessen the effect of the Acts this day passed, although it shall be found contrary to the present belief that future Councils are not legally bound.

Afterwards the newly-appointed Directors resolved to acquire the ground in the Meadows on which the Seminaries were subsequently built. The price was fixed at £1,500 by the Town Council, and the ground was purchased at this sum at public sale, and the erection of the Schools commenced. The following are some of the Conditions of the Title granted by the Town to the Directors :—

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Excerpt from Charter by the Magistrates and Town Council in favour of the Directors of the Public Seminaries, 1832.

The Charter of the ground is granted to the parties, "But always in trust for being used for the Public Seminaries of Dundee under the said Act of the said Magistrates and Council, and under the declarations hereinafter specified."

"And it is also, at the request of our said disponees, specially provided and declared, and it shall be inserted in the instrument of sasine to follow hereon, and in all the future investitures of the said subjects, until the said subjects are permanently incorporated and vested in Trustees, that the said subjects are conveyed to our said disponees, and to be accepted of by them only under the condition that they shall be bound, at any time when required by a quorum of the Directors of the Public Seminaries of Dundee for the time being under the said Act of the Magistrates and Council, dated the twentieth day of May, in the year one thousand eight hundred and twenty-nine, to denude of the said subjects and the buildings to be erected thereon, and, at the expense of the said Directors, to convey the same to and in favour of the said Directors, or to and in favour of any Trustees to be fixed under any Crown Charter which may be obtained in terms of the thirteenth and fourteenth articles of the said Act of the Magistrates and Council, but that only in trust for the purpose of the said Seminaries; and it is also, at the request of our said disponees, provided and declared, and provision to the like effect shall be inserted in the infeftment to follow hereon, and in all the future investitures, whether in favour of the Directors or other Trustees or incorporation, that if by any Act, direct or indirect, of the Town Council, or any other body whatsoever, the patronage or government of the Public Seminaries of Dundee shall be vested in any public body or individuals, contrary to the constitution set forth in the said Act of the said Magistrates and Council, dated the

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twentieth day of May, in the year one thousand eight hundred and twenty-nine, the said ground hereby conveyed, and the buildings thereon, and whole other property acquired, or which may be acquired by the Directors, shall be at the disposal of certain public Trustees to be fixed by the subscribers to the Seminaries at a general meeting to be called for the purpose, in terms of the fourteenth article of the said constitution, in order that the said ground, buildings, and other property, shall be by these Trustees, or under their direction, either used for public Seminaries altogether apart from and independent of the body or individuals through whom the said constitution has been overthrown, or sold, and the price applied by these Trustees, or under their direction, for promoting education in Dundee."

The Town Council subscribed £500 from the common good towards the Buildings, and paid £2,500 stipulated from the proceeds of the Ale and Beer Duty; and in the progress of the building the Directors were unable to pay the Contractors the stipulated price for the Erections. The Contractors raised legal proceedings for adjudging the property in payment of the balance due them of £1,811, and procured a Decree of Adjudication in their favour of the whole subjects. The Town Council was then applied to to relieve the buildings, and agreed to pay the Contractors the balance of their claim, on condition that the corner portions of the ground facing Euclid Crescent be given off, so as to round the Street, and to depart from some of the stipulations as to surrounding buildings. This was done in 1837.

The stipulated payment to the Directors in respect of the Ale and Beer Duties was made until the Act expired in 1848. The £11 payable from the Hospital Fund to the Grammar School Teacher is still paid to the High School Directors.

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No. 219. of Inventory. *Grant to the Town of Dundee of the Queen's Rights of Foreshore opposite the Burgh, for the construction of the Sea Wall and Esplanade, and other purposes, dated 8th October, 1868.*

TO All and Sundry to whom these presents shall come: Know ye that The Board of Trade, acting under "The Crown Lands Act 1866," and in exercise of such of the powers conferred by the Acts Tenth GEORGE Fourth, Chapter Fifty, and Fifteenth and Sixteenth of Her Majesty, Chapter Sixty-two, as were transferred by the first-mentioned Act, in implement of an agreement entered into between said Board and the Provost, Magistrates, and Town Council of the Royal Burgh of Dundee, dated Fourth and Tenth July, Eighteen hundred and sixty-seven, in consideration of the utility of the works after mentioned, and of the sum of Two hundred and fifty pounds sterling paid to the Board of Trade—the receipt of which is hereby acknowledged, and as authorized by the Commissioners of Her Majesty's Treasury by their Warrant, dated the ninth day of June, Eighteen hundred and sixty-eight, have, on behalf of Her Majesty, sold, alienated, and disponed, and do hereby alienate and dispone from Her Majesty, her heirs and successors, to and in favour of the said Provost, Magistrates, and Town Council of the Royal Burgh of Dundee, for behoof of the community thereof, for the purposes authorized by the "Dundee Seawall, Esplanade, and Street Act, 1868," heritably and irredeemably, All and Whole, such right, title, and interest which Her Majesty may have in, to, or over that portion of the alveus of the River Tay required for the formation of the works authorized by the said last-mentioned Act, extending from the Ferry Harbour Works on the east to the Magdalen Yard Point on the west, lying on the *north* side of the River Tay, partly in the Parish of Dundee and partly in the United Parishes of Liff, Logie, Benvie, and Invergowrie, and County of Forfar, all as delineated on the Plan subjoined and signed as relative hereto; but declaring always, that this Disposition is granted subject to the following Conditions and Reservations:—*(First)* That all rights competent to Mr. HUNTER of Black-

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ness, Mr. DAVID BARRIE, Dundee, and all other Bodies or Persons, public or private, in, to, or over said alveus are hereby specially reserved; and all Defences and Answers competent to the said Provost, Magistrates, and Town Council against any such claims of right are also reserved: *(Second)* That the said alveus shall be used for the sole purposes of the Esplanade and Street, the Station and other purposes of the Caledonian Railway and North British Railway Companies, authorized by said last-mentioned Act, and that the Sea Wall shall be constructed and upheld by the said Provost, Magistrates, and Town Council, and their successors in office, in all time coming; and *(Third)* That the Plans for the said Sea Wall and other works to be constructed shall be first submitted to, and approved in the ordinary way by the Board of Trade, before any of the works are commenced, with entry at the date hereof; To be holden, and to hold the said portion of alveus hereby disponed by the said Provost, Magistrates, and Town Council of Dundee, and their successors in office, for behoof foresaid, of Her Majesty, her heirs and successors, Superiors of the same, in free blench, farm fee and heritage for ever; giving therefor yearly one penny Scots at the term of Whitsunday, if asked only. And the said Board of Trade grant warrandice from fact and deed only, and consent to the Registration hereof in the Books of Council and Session for preservation, and in the General or Particular Register of Sasines for publication. In Witness whereof, these presents, written by WILLIAM JARVIE, second clerk in the office of the Solicitor in Scotland for the Commissioners of Her Majesty's Woods, &c., are subscribed in Triplicate by CHARLES CECIL TREVOR, Barrister-at-Law, and Assistant Secretary to the Board of Trade, on behalf of said Board, at London, the Eighth day of October, Eighteen hundred and sixty-eight, before these witnesses—GEORGE EVENISS, Clerk, and FELIX HARGRAVE HAMMEL, Barister-at-Law, both of the Board of Trade.

C. CECIL TREVOR,
Ass^t. Secretary.

GEORGE EVENISS, *Witness.*
F. HARGRAVE HAMMEL, *Witness.*

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Edinburgh, the thirteenth day of October, Eighteen hundred and sixty-eight.—A duplicate of this Disposition, and the relative Plan annexed, is lodged in the office of the Director of Her Majesty's Chancery for Scotland, and a Minute of the same is entered in the Books of said office, in pursuance of the Statutes.

TOWN'S RIGHT TO SOLUM OF RIVER TAY AND THE ESPLANADE.

The Magistrates and Town Council have always, in virtue of their ancient Charters, maintained right to the Solum of the River Tay *ex adverso* of the ancient Royalty of the Burgh, so far as reclaimed, or when reclaimable and unsuitable for navigation. The Crown in later years laid claim to the foreshore and embanked ground, and in many cases asserted this right, but always objected to by the Burgh authorities. Foreshore Proprietors, in view of the divided claim of ownership, have generally taken a Conveyance from both parties for greater safety. The Crown gives no warrandice of such grants, but merely conveys what right may be in the Crown.

In the case of the Esplanade, which extends westward beyond the limits of the Ancient Royalty, the Magistrates and Council, while they held to their Burgh rights, applied for the Crown's Grant, and for a nominal sum procured that Grant conform to the foregoing Disposition, thus vesting the Magistrates and Council absolutely in the solum and ground on which the Sea Wall and Esplanade are built. The portions of ground within were to be given to the North British and Caledonian Railway Companies according to the proportions fixed, as after mentioned, and these Companies were to contribute towards the erection of the Sea Wall.

For many years claims and disputes lay unsettled between the Town and the Railway Company for the value of the Solum or Foreshore at Yeaman Shore and to the westward, on which the Perth Railway and Works and Buildings were constructed. There had been actions-at-law threatened, and proceedings carried on by the Town to vindicate their foreshore rights. In 1864, rather than carry on expensive litigation with the Railway Companies and Proprietors of the properties on the River Banks *ex adverso* of the Burgh, it was resolved by the Council to expose their rights of these portions of the foreshore from the Railway Lines inwards to public sale, and they fixed the upset price at £500; but some difficulties arose as to the conditions of sale, and it was abandoned.

The Railway Companies from time to time had procured Grants of the River Foreshore from the Commissioners of Woods and Forests independent of the Magistrates and Council, and the Caledonian Company had, about 1867, in Parliament a Bill to acquire

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fifteen acres additional of the foreshore immediately to the south of their then Station Grounds towards the Craig House, and westward; and the North British Railway Company proposed by statute also to acquire a portion of the foreshore for station purposes and for the Traffic for the proposed Tay Bridge Railway.

Esplanade.

The Town Council, in view of these proposals, thought the time was come to insist for a remedy of the great disadvantage to which the inhabitants had been subjected for many years by being cut off from the Banks of the River by the operations of the Railways, as well as of private Proprietors. Three years before a proposal was made by me in the Council to remedy this grievance. At a Council Meeting on 28th January 1864, "Mr. Hay moved, that it be remitted to the Special Committee on the Solum question to communicate with the Directors of the Scottish Central Railway Company, to ascertain whether the Company would be willing to co-operate with the Council in endeavouring to provide a promenade for the Inhabitants from South Union Street towards the Magdalen Green, by having filled up in the Solum a road on the margin of the River on the south side of the property belonging to the Railway Company."

The Company however did not go into the proposal.

The attempt to have the promenade was again made, and provision got inserted for it by the Council in the Act of 1866 for the erection of the Tay Bridge Railway and Stations by the North British Railway Company, but the works under this Act were unfortunately not carried out.

The Town Council thereafter, and in 1867, while the Companies required more ground, communicated with the Railway Companies and the Harbour Trustees—who had an interest in improving the scour of the River for Harbour purposes—with the view, if possible, of securing the promenade along the River, some years ago proposed, from the Craig Pier to the Magdalen Green. The Council communicated in the first instance with the Caledonian Railway Company, with the view of arranging all claims and disputes for the solum occupied by the Railway works, and, after some communings, an Agreement, dated 26th February, 1867, was come to settling those long-standing troublesome solum claims for the sum of £4,000, which was to include the additional fifteen acres then scheduled in their Act; and secondly, instead of the Company proceeding to build the Sea Wall laid down in their plan along the additional fifteen acres, they should contribute the estimated cost thereof (£13,700) towards the erection of a Sea Wall further seawards, so as to enclose the ground required for the Esplanade and that for the North British Railway Company. That Company also agreed to contribute £13,000 towards the Wall, and the Harbour Trustees contributed a like sum. It was agreed that the Town Council should apply for the grant of the Crown's rights, and each party to pay their proportionate share of the price payable to the Crown for the same. That price was only £5 an acre, in respect of the public purposes to which it was to be applied, and the area to be enclosed embraced about fifty-two acres. The work was gone on with, and ultimately completed. An arrangement was also embodied

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in the Esplanade Act of Parliament (Sec. 28), that all surplus land to be reclaimed beyond what the Railways were to get, and what was required for the Sea Wall, Esplanade, and Public Street, as laid down on the Plan thereof prepared under the Statute, should belong to the Town and become part of the Common Good of the Burgh. The cost of the Sea Wall, Esplanade, and Works, and filling up, making, and paving the Streets, amounting to about £50,000, was met by the contributions and the price of the surplus ground adjacent to the Craig Pier, which was sold by the Town Council to the Harbour Trustees; and this Esplanade and Street have thus been secured without cost to the Ratepayers or payment from the Burgh Funds.

The Agreements carrying out the above arrangements between the Town Council and the Board of Trade, and between the Town Council and the Caledonian Railway Company, the Harbour Trustees, and the North British Railway Company, are printed annexed to the Dundee Seawall, Esplanade, and Street Act, 1868,—the principals being in the Town's Chest.

By Section 7 of said Act the Esplanade Public Works referred to as authorized to be constructed, and now constructed, are stated as follows :—

1. The construction of a good, substantial, and sufficient bulwark or sea-wall, extending westward from near to the point of the Craig Pier or Ferry Harbour of Dundee to a point called Buckingham Point, forming part of the Magdalen Yard or Magdalen Green; which bulwark or sea-wall the Town Council shall maintain and uphold in good, substantial, and sufficient condition and repair in all time coming:

2. The formation of a public Esplanade or public Footway, for the use of the Inhabitants of Dundee, between South Union Street on the east and Buckingham Point on the west,—which Esplanade, for the length between Buckingham Point and about five hundred feet from the south-west corner of the point of the Craig Pier, is to run along the top edge of the said bulwark or sea-wall, and thence the Esplanade is to diverge on a curve along the seaward side of the street after mentioned till it joins South Union Street,—the said Esplanade or footway being fifty feet in width throughout its course:

3. The formation of a public Road or Street, fifty feet in width, to become one of the ordinary Streets of the Town, on the north or inside of the said Esplanade, and to unite, in manner shewn on the deposited Plans, the said Esplanade and Road or Street at the east end thereof with the Street called South Union Street, and at the west end thereof with that part of the Magdalen Yard or Green called Buckingham Point.

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TOWN'S SOLUM AND SALMON FISHINGS.

In the Esplanade Act, and to obviate the opposition put forward by the Tay Ferry Trustees, clauses were inserted (Sec. 24 and 25), that if the construction of the Esplanade, by preventing the scour through the arches which were at the west of the Ferry Harbour, should silt up the Harbour and entrance, the Council would be bound to clear it so as not to be in a worse condition than it was before the Erection of the Esplanade. It was found that the stopping up of the scour caused the Harbour and entrance to silt up very much, and a very considerable yearly outlay was caused to the Town by dredging to keep it clear. In the subsequent Act for Transfer of the Ferries to the Harbour Trust, it was arranged that the Harbour Trust should free the Town from this obligation of keeping the Ferry Harbour clear, and on the other hand, and as an equivalent, the Town departed from all claim for solum on which the extensions of the Harbour works were erected and Ferry Pier was or might be extended in the River, and also of all compensation which would arise to the Town for any rights of servitude, or otherwise, in connection with or arising out of its Salmon or other Fishings in the River over or upon the portions of Land of Craigie Estate acquired by them from Mr. GUTHRIE of Craigie.

The following is the Minute of Agreement in regard to these matters come to between the parties:—

No. 234. of Inventory.

Minute of Agreement between the Trustees of the Harbour of Dundee and the Magistrates and Town Council, as to the new Tay Ferry Act, dated 30th November and 2nd December, 1872. (Esplanade, Solum, and Salmon Fishings.)

WHEREAS the first parties propose to purchase from the Caledonian Railway Company, and to promote a Bill in the ensuing Session of Parliament for vesting in them the first parties, the Public Ferries between Dundee and places adjacent and the opposite coast of Fife, with all Harbours, Landing Places, and other Rights and Property belonging thereto; and whereas, by virtue of "The Dundee Sea Wall, Esplanade, and Street Act, 1868," the second parties are by Sec. 24 and 25 thereof under certain obligations, in the event of the Ferry Harbour accommodation at Dundee being put in a worse position by the construction of the Bulwark or Sea Wall authorised by the said Act; and whereas, under the Dundee Harbour Acts specified in the Preamble of "The Dundee Harbour Act, 1869," the

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first parties acquired the Port and Harbour of Dundee, and the Sea Shore or Strand or Beach of the River Tay mentioned therein, and the Rights, Liberties, Privileges, and Immunities of the Water of Tay, with other Rights and Privileges defined therein; and whereas, by virtue of the said "The Dundee Harbour Act, 1869," the first parties obtained power to construct additional Works, and to take additional Lands as mentioned in the said Act; and whereas the second parties maintain that they will be entitled to compensation from the first parties for certain Rights taken or to be taken away or affected by the first parties' acquisition of the Lands required for the Works authorised by the said Act, and by the construction of said Works; and they also maintain similar or other claims under the said prior Statutes against the first parties; *and now seeing* that it is right that all such questions should be amicably settled between both parties, Therefore they do hereby agree as follows:—

I. ON THE ONE PART—

FIRST. In the event of the said proposed purchase being made, and of the Bill proposed to be promoted being passed by Parliament, and the said Ferries, Harbours, Landing Places, and other Ferry Rights and Property being thereby or thereunder vested in the first parties as part of their undertaking, they shall discharge the second parties of all the obligations or prestations contained in or prestable against them under Sec. 24 and 25 of "The Dundee Sea Wall, Esplanade, and Street Act, 1868."

II. ON THE OTHER PART—

SECOND. In the event set forth in Article First, the second parties shall discharge the first parties (1) of all claims of compensation, or other claims competent to them the second parties against the first parties, for damage done or to be done, or loss sustained or to be sustained, to the Salmon or other Fishings, or Mussel or other Beds in the River Tay, belonging to the second parties, by the execution of

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any works authorised by the said "The Dundee Harbour Act, 1869," or any prior Harbour Statutes, or by the taking of any Lands under the Harbour Statutes, or any of them, and also of all claims of compensation or other claims which are or may be competent to them the second parties against the first parties for any rights of servitude or otherwise in connection with or arising out of the said Fishings, and Mussel or other Beds, belonging to or vested in the said second parties (all of which rights are hereby renounced) over, in, and upon those portions of the Lands, Barony, and Estate of Craigie, recently purchased by the first parties for Harbour purposes and Works, from JAMES ALEXANDER GUTHRIE, Esquire of Craigie, being the whole Lands, Barony, and Estate of Craigie lying on the south side of the Dundee and Arbroath now Caledonian Railway, and on the west of the Road from Dundee to Broughty Ferry at the Stannergate; and (2) of all claims of compensation of whatsoever nature or description which now belong or might hereafter belong or be competent to the second parties against the first parties, in respect of any Works constructed or to be constructed, or which are authorised, under any of the Harbour Acts, on the Foreshore or the Alveus of the River Tay, or which may hereafter be authorised or constructed, under any Acts hereafter to be passed for new or additional Works in connection with the Harbour, on or upon the Alveus or the Foreshore of the River Tay *ex adverso* of the present Harbour Works or of the Works authorised by the present Harbour Acts; and (3) of all debts and subscriptions by, and rights and claims belonging to, the second parties, over or on or to any Tay Ferry Lands or Property, including all Lands or Property lying between the Tay Ferry Harbour and Earl Grey's Dock, in so far as not appropriated for and used as the Public Street called West Dock Street of Dundee, running from Dock Street southwards to the Protection Wall of the Harbour of Dundee, which shall remain as a Public Street, or against the Tay Ferry Trustees, or in the Alveus of the River opposite to the Tay Ferry Harbour, to the effect as regards such Alveus of discharging the first parties of all claims of compensa-

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tion which might arise to the second parties from the construction hereafter of any Works for the Improvement of the Ferries *ex adverso* of the Ferry or Harbour properties.

III. MUTUAL PROVISIONS.

THIRD. In the event of the said Ferries, Harbours, Landing Places, and other Ferry Rights and Property not being acquired by the first parties from the Caledonian Railway Company as aforesaid, or in the event of the said Bill not passing as aforesaid, this Agreement shall cease and determine, and in that event neither party shall be entitled at any time hereafter to found upon it against the other party in Parliament, or in Courts of Law, or under Arbitrations, or otherwise.

FOURTH. The first parties shall, in making their bargain with the Caledonian Railway Company, provide that the sum consigned by the second parties for property taken from the Ferries for their Esplanade Works shall be accepted in full of all claims of compensation or other claims against the second parties for such property.

FIFTH. If either party so desire, and if competent by the Standing Orders of Parliament, this Agreement in whole or in part shall, subject to the sanction of Parliament, be scheduled to and confirmed by the foresaid Bill, or made part thereof.

LASTLY. Both parties agree to implement and fulfil the premises to each other fully and in good faith.—In witness whereof, these presents, printed upon this and the two preceding pages of stamped paper, are duly executed (in duplicate) as follows, vizt., the same are subscribed by JAMES COX, Provost of Dundee, and DUNCAN MACDONALD, one of the Town Councillors of Dundee, for and in name and on behalf of, and as duly authorised by the second parties—the common or corporate seal of the Royal Burgh of Dundee being at the same time duly affixed, at Dundee on the thirtieth day of November,

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Eighteen hundred and seventy-two years, before these witnesses—WILLIAM HAY, Town Clerk of Dundee, and LAURENCE DANIEL MACLAREN, his Clerk; and the same are subscribed by ROBERT AITKEN MUDIE, Shipowner in Dundee, and HARRY WALKER, Merchant in Dundee, two of the said Trustees of the Harbour of Dundee, and by WILLIAM THOMS, Clerk to the said Trustees, all for and in name and on behalf of, and as specially authorised by the said Trustees in meeting assembled—the common or corporate seal of the said The Trustees of the Harbour of Dundee being at the same time duly affixed, at Dundee on the second day of December, and year last mentioned, before these witnesses—ALEXANDER EDWARD GRAY, Clerk to the said WILLIAM THOMS, and ROBERT ARCHIBALD, Messenger to the said Trustees of the Harbour of Dundee. This testing clause, from and after the words "In witness whereof," being written and inserted by JAMES MILLER, Clerk to PATTULLO & THORNTON, Solicitors in Dundee.

JAMES COX, *Provost.*
D. MACDONALD, *Councillor.*

For Dundee Harbour Trustees—
R. A. MUDIE,
Chairman of Finance Committee.
H. WALKER, *Trustee.*
WILLIAM THOMS,
Clerk to Harbour Trustees.

WILLIAM HAY, *Witness.*
L. D. M'LAREN, *Witness.*
ALEX. E. GRAY, *Witness.*
ROBERT ARCHIBALD, *Witness.*

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THE BURGH OF DUNDEE—ITS LIBERTIES AND JURISDICTIONS.

The Burgh.

THE ancient Royal Burgh was not of large extent territorially, although its liberties extended considerably beyond. It may be described, so far as landward, as follows :—From a point on the River Tay a little to the westward of the House and Grounds belonging to William Lowson, Esq. of Balthayock, in Nethergate (Gray Bank), along the westward of that property and northward along Park Place and to the westward of Temple Lane, crossing West Port and running northward on the west side of West Henderson Wynd in a straight line to Tod's Burn at Guthrie Street, thence south-eastward along the course of that Burn on the south side of South Ward Road to Barrack Street, and thence north-eastward through the ancient Meadows, through the Buildings, Post Office, and others erected on the north side of Ward Road, and eastward through a portion of the Albert Institute Buildings, turning in a northerly direction to or near old Ladywell, thence eastward along the south side of the old Bucklemaker Wynd until it comes to the east march of the Dwelling-House which belonged to the late Miss Wright, and latterly occupied by the Deaf and Dumb Institution, thence southward to near the middle of the west march of St. Andrew's Established Church property, thence northward between the Church property and the Buildings on the south side of Charles Street, thence eastward along Todburn Lane on the north side of the front Buildings facing King Street until it reaches the Dens Brae at the Works of Messrs Baxter Brothers & Co., and thence southward at a little to the east of St. Roque's Lane, and in a southerly line to the River Tay, nearly opposite the Beacon Rock, and the open boundary to the south is the Water of Tay, and the liberties thereof.

There is evidence in the Charters and Writs in the Inventory that Dundee had its Charter of Royal Burgh and Liberties long prior to the Charter of Novodamus by King Robert the Bruce, and, at least, in the reign of William the Lion, as stated in the Charter. Indeed, during the usurpation or invasion of the Kings of England the ancient Charters and Writs were abstracted. All these ancient rights and privileges were proved by the Commission granted by King Robert for the purpose, and on the evidence then taken and submitted to the King his Charter of Confirmation and Novodamus in 1327 proceeded—(No. 16 of Inventory).

The ancient boundaries are well marked, but of late some difficulty was raised as to the precise line of boundary from the Ladywell eastward, and in consequence the boundary was carefully examined by Mr. Alexander, Town Architect, assisted by parties well conversant with that locality, and the line laid down as above stated. In this boundary we were also enabled to ascertain its exact correctness in respect of the uniform and universal usage of property holdings within the boundary line, all being Burgage holdings, and the Deeds recorded in the Burgh Register of Sasines as being held Burgage.

The River boundary also has always been acknowledged and held as settled under the Royal Charters, judicial decisions, and usage as including the River and all accretions and

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embankments therefrom. The Burgh being on the River, with the full right of Port and Harbour, and full and free uses and liberties of the Water of Tay, with power of levying dues and other customs at the Harbour, and also with the Salmon and other Fishings on the River, the southward boundary is the Tay. The Harbour has gone outwards in the River. The immemorial usage and possession by the Corporation has been to follow the River Shore, and the embanked ground has always become Burgh and Burgh Holdings, and all such subjects are and have been held within the Royalty, and held in free Burgage for service of Burgh use and wont, and under the powers and jurisdiction of the Burgh Magistrates. Of late, however, some objections to this were advanced—principally by the Railway Companies—but hitherto unsuccessful; and in the case of the Tay Bridge Act of 1870 it is specially stated that their Terminus near the Craig Pier is within the Royal Burgh of Dundee. A considerable part of the south side of the Burgh has been gained from the River, and has always been dealt with as within the Royal Burgh and Burgh Jurisdictions, and in all cases all along, including the Harbour Property and Buildings on the south of Dock Street, the holding is Burgage, and the properties included in the ancient Burgh Cess and Tax Rolls. In the Disposition (in 1842) by the Town to the Harbour Trustees of the solum and lands on which the Harbour and Docks are constructed—the Disposition being prepared by an Edinburgh Lawyer under the order and sanction of the Court of Session—the holding is given and taken as follows:—"In which port and harbour and others (solum and land) above disponed requiring infeftment, we bind and oblige ourselves, and our successors in office, and the community of the said Burgh, to infeft and seize our said Disponees on their own expences, to be holden in free burgage for service of Burgh and payment of Burgh Mails used and wont," with power, as was usual in such Deeds, to appear before the Provost, or one of the Bailies of the Burgh, for resignation of the subjects, as in the hands of Her Majesty, immediate lawful Superior thereof, for new infeftment to the Trustees,—which is the form of a Burgage holding. The same holding was given to the Officers of State for the portion of ground on which the Custom House Buildings are erected. Indeed any contrary contention would be to introduce or interject a stranger jurisdiction between Dundee and the River.

The Jurisdiction.

The rights and liberties of the Burgh granted by the Charters gave the Magistrates a jurisdiction over the Water of Tay within the limits prescribed; and while the Town has conveyed the Port and Harbour and its rights, with the powers necessary to enforce and vindicate its privileges, yet, except what was thus specially conveyed (as will be seen from the Disposition in No. 166 (4) of the Inventory), the general rights and jurisdictions otherwise were reserved, and also by special clause in the Act of Parliament sanctioning the transfer (4 July, 1815) reserved, as follows:—

> "LVI. And be it enacted, That nothing in this act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect the rights, dues, duties, and payments, powers, privileges, jurisdictions, or authorities of the Magistrates and Town Council of Dundee, granted to them on behalf of the com-

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munity of the said burgh of Dundee, by King CHARLES the First, by charter under the Great Seal, bearing date the fourteenth day of September one thousand six hundred and forty-one, or any other rights, dues, duties, or payment, powers, privileges, jurisdictions, or authorities in anywise belonging to them, otherwise than as the same are by this act expressly taken away, varied, altered, or restrained."

And this reservation is continued in the subsequent Harbour Acts.

I presume, therefore, it may be held that under the ancient jurisdictions, rights, and privileges of the Magistrates of Dundee, and under the general law, they have a jurisdiction over the River Tay on both sides, within the limits prescribed by the Charters, as being within the liberties of the Burgh of Dundee.

It will also be observed from the Burgh Charter that the Magistrates were declared to be Sheriffs within the Burgh liberties, and to have sole and exclusive jurisdiction therein, exclusive of the Sheriff of Forfar, whose rights were specially discharged. This right was exercised for a long period, but by more recent Statutes and practice the Sheriff of Forfarshire has got at least a concurrent jurisdiction within the Burgh with the Magistrates.

In 1672, however, the Sheriff of Forfar got a special permission from the Magistrates to sit in the Burgh to try a case, but he had to give an obligation that his doing so was not to prejudice the Town's rights as Sheriffs within the same. The following appears in the Council Records:—"April 7, 1672,—There was a band (bond) and declaration under the Sheriff-Deput of Forfar his hand, bearing that his sitting in the tolbuith of this brugh to judge HENRIE GUIDLEY shall not be prejudiciall to the towne's libertie as Sheriffs within the same."

EARLY HISTORY OF DUNDEE.

Dundee, from its central position and proximity to the coast, was always held of importance, and its possession was considered essential to those in the administration of our national affairs. At the time of the English invasion this was seen by EDWARD, who considered its possession of great importance to the success of his scheme of conquest, and he made long-continued and desperate efforts to hold it. During the wars of independence, therefore, it was the theatre of many conflicts by the contending parties. By men and money Dundee always bore a full share in maintaining the Country's independence. Here in 1309 also, at a General National Council of Scotland, at which the Bishops, Abbots, Friars, and Clergy assembled, by solemn declaration ROBERT BRUCE was acknowledged as the legitimate King of Scotland. It subsequently remained faithful to the Stuart Kings, and its loyalty no doubt, at a later period, brought down the vengeance of CROMWELL, and led to the assault and capture of the Town by General MONCK. Its fortifications long gave security to the Nobility and Inhabitants of the surrounding country, and in consequence the Town contained numbers of residences of the Nobility and Landed Proprietors of the District, and was the receptacle for treasure and valuables; and at the period of the

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capture of the Town, it is said great booty fell to the conquerors. In the Report to the Government of CROMWELL in 1654, the Town is even thus described,—"The towne of Dundie was sometime a towne of riches and trade; but the many rencontres it hath met with in the time of domestick comotions, and her obstinacy and pride of late years (her loyalty), rendering her a prey to the soldier, have much shaken and abated her grandeur, and notwithstanding all, she remaynes still, though not glorious, yett not contemptible." And its characteristic for manufacture is recorded by the celebrated historian, HECTOR BOYCE, who in his annals of the sixteenth century tells us—"It (the Tay) falleth into the Almaine Sea (German Ocean) beside Dundee, a towne called in old time Alectum, wherein I was borne, and in which the people travell verie painfully about weaving and making of cloth"; and all know how for centuries the Town has verified and supported its early characteristic.

The earlier Monarchs, including ROBERT THE BRUCE, and subsequently Queen MARY and her son JAMES the Sixth, were frequent visitors to the Town, and CHARLES the Second held Court in the Palace of Whitehall in the Nethergate, and attracted thither a large number of the Nobility and Gentlemen of the Country.

The position of Dundee among the Burghs of Scotland in early times may be gathered from a comparison of the Tax Rolls of the period. Thus, in 1557, of the Ten thousand pounds (Scots) assessed on the Burghs to defray the expense of Queen MARY's Marriage in France, the proportion laid on the larger Burghs was as follows:—

Edinburgh,	£2,500	0	0
Stirling,	242	0	0
Aberdeen,	945	0	0
Dundee,	1,245	11	0
Perth,	742	10	0
Dunfermline,	101	5	0
Ayr,	236	5	0
Glasgow,	202	10	0
Brechin,	168	15	0
Montrose,	270	0	0
Arbroath,	135	0	0
St. Andrews,	300	0	0
Cupar,	270	0	0
Inverness,	168	15	0

And even so late as 1665, after the destruction and spoliation of the Town by the Parliamentary Forces, and its consequent desertion by those who formerly, for security, had residences in the Town, of a public tax of £22,222 4s. 6d. then levied on the Burghs in that year, the proportion of Dundee as compared with other towns was thus,—while Aberdeen paid £1,481 10s., Arbroath £100, Glasgow £1,444 6s., Montrose £444 10s., Perth £889, St. Andrews £604 13s., Forfar £44 9s., Dundee paid £1,555 13s.

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The Burgh was largely endowed by Royal and other Grants, and its properties were varied and extensive. How these properties have been disposed of will, to a considerable extent, be seen from the Writs and explanations given in the Inventories. But even yet its properties and revenues are considerable, as will be seen from the Abstracts and Accounts after printed.

While the ancient Royalty was considered to be extensive, having regard to the then habitable Burgh, the Wall or fortification which surrounded the Town proper was of much less extent. The Wall, however, enclosed the Steeple and field around it, with the Earl CRAWFORD'S Lodging. It commenced on the west near the present Sea Wynd, and along Ceres or Long Wynd to the Overgate, thence in a north-easterly direction to near the site of the present Willison Street, and eastward on the south or Town side of the "Howff"—(the foundations here were lately removed in the course of the erection of the Advertiser Buildings in Bank Street),—thence it extended eastward along the north side of Murraygate, south of the Meadows, to the Wellgate, and eastward by the Cowgate a little beyond the present St. Andrews Street, and thence southward to the Seagate and the River. There were several Ports and Gates in the Wall, vizt., In Nethergate, Overgate, Wellgate, Murraygate, Cowgate, and Seagate, and it is recorded, a gate also between the Grey Friars and Black Friars' fields at Barrack Street, near the site of the present south-west gate of the "Howff."

There are annexed views of the Town, taken probably about the middle of the seventeenth century, when of a very limited compass, and also a Plan of the modern Town, revised in 1877. The contrast is remarkable.

THE HILLTOWN BARONY.

It will be seen from the Disposition by Lord LAUDERDALE and the subsequent Royal Charter by King WILLIAM in 1689 in favour of the Town that, along with Lands of Dudhope and the various other Lands and Superiorities therein conveyed, the Town acquired the Barony of the Hilltown, which was created about 1640 by King CHARLES the First in favour of Sir JAMES SCRYMSOURE, then Lord Viscount DUNDEE. This purchase put an end to the many conflicts of Jurisdiction and disputes which for many years caused so much trouble to the Municipal authorities by GRAHAM of Claverhouse and the Constables who preceded him. The Council from time to time appointed Bailies of the Barony, and continued to do so till very recently. The Acts of Extension of the Municipality of the Burgh and the Burgh Jurisdiction, which included the Hilltown, led to the desuetude of these Baronial Elections. The Town Clerks, by their Commissions, for nearly two centuries have been appointed Clerks of the Barony of the Hilltown. At the present time the Feuars of the Hilltown continue among themselves a practice of electing a Bailie of the Hilltown, but this is of a friendly and unofficial nature, and probably his principal duty is to see that the Land Tax payable from the Feus of the Hilltown is collected and handed as a whole over to the Collector of the Inland Revenue, and probably also as a standing Arbiter, and by voluntary assent to settle among themselves any disputed boundaries of the Feus. At the extension of the Royalty of Dundee in 1831, it will be

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seen from the clauses of the Extension Act (page 221) that the Land Tax and Cess payable from the ancient Royalty was not to extend to the lands to be included in the Extension of the Burgh Boundaries. This arose from the fact that extra burghal lands were assessed for this Land Tax as in the County contra-distinguished from the Burgh—the Land Tax, which is payable to the Crown, having at the Treaty of Union in 1707 been divided in certain proportions as between the Royal Burghs and the Counties. Generally speaking, the Proprietors of the Lands adjacent to Dundee redeemed by a capital payment this Land Tax before the value was increased by feuing; hence the declaration in the Extension Act that this ancient Burgh tax and cess should not be exigible from the properties beyond the ancient Burgh boundary. As to the Hilltown, it had before 1831 been feued out to a large number of parties, and it has continued liable as beyond the ancient Royalty to pay this tax as formerly, and consequently the Feuars still continue to pay their share as of old. I am informed the whole amount of this Tax may be stated at about £9 sterling yearly.

It may not be out of place to give an example of these appointments of Baron Bailies by the Council :—

"Thursday, 16 October, 1718.—The Councill, after leiting and voting, Elected Bailie PATRICK GORDON and ROBERT HILL to be Baillies of the Barronie of the Hilltowne of Dundie for the year ensuing, who compeared, accepted of y^e^ office, and made faith *de fideli*, and qualified according to Law by taking and subscriveing the same w^h^ the assurance."

"29 September, 1741.—The Councell agree to continue GEORGE MUDIE and WILLIAM MILNE to be Bailies of the Barony of the Hilltown of Dundie for the Ensuing year, and recomend to the Magistrate who goes to the Hilltown to keep the head Court there, to cause the saids GEORGE MUDIE and WILLIAM MILNE compear before him, accept of said offices, and promise to be faithfull."—This Minute is signed by ALEXANDER DUNCAN of Lundie, ancestor of Lord CAMPERDOWN (then Provost of Dundee).

"24 April, 1816.—The Council considering that ALEXANDER BEG and ALEXANDER DUNCAN as Bailies of the Barony of the Hilton did sometime ago resign their offices, they therefore nominate and appoint ANDREW LOW and WILLIAM MILLAR, both Manufacturers in Hilton, to be Bailies of the Barony of Hilton for the current year, and during the pleasure of the Council."

There was also in olden times a Prison in the Hilltown to secure the due punishment by the Barons and their Bailies of offenders within the Barony. This Prison had become ruinous and unsuitable for its purposes, and I find on 23rd April, 1741, "the Councell appoints Bailie FAIRWEATHER, Bailie GEORGE YEAMAN, the Dean of Guild, Bailie MURRAY, the Treasurer, JOHN CRICHTON and ARCHIBALD WALKER as a Commitee to inspect the old Tolbooth in the Hilltown, and report after what fashion it would be the proposed prison, and what would be the charge of doing it." After the acquisition of the Barony by the Town, one Prison seems to have become sufficient for both jurisdictions.

W. H.

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EXTENSION OF THE BURGH ROYALTY, 1831.

The boundaries of the Burgh were extended by the Act 1 & 2 WILLIAM IV., c. 46 (23 August, 1831). Clause first is as follows :—

WHEREAS the Town of Dundee has of late years greatly increased in size and Population, and large Suburbs, in which a great Extent of Trade and Manufactures is carried on, and great Numbers of Persons reside, have been formed beyond the Boundaries of the ancient Burgh, and beyond the Territory over which the Jurisdictions, Civil and Criminal, of the Magistrates of the said ancient Burgh extend: And whereas great Advantage would arise both to the ancient Burgh itself and also to the Suburbs and adjacent Territory if the whole were united and incorporated into One Burgh, with proper Regulations for the Election of the Magistrates and Council thereof in place of those now in observance under the present Sett of the ancient Burgh, which has been found by experience to be the source of many questions and difficulties, and to be very defective and imperfect in its provisions; but the same cannot be accomplished without the aid and authority of Parliament. May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords, Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Territory situated beyond the Boundaries of the ancient Royalty of the said Burgh and locally comprehended within the Limits following, *videlicet*, within a Line commencing on the East at the River Tay, and running Northward, in the Line of the East March of Mayfield on the Lands of Craigie, to the Southern extremity of that March; thence along that March to the Turnpike Road leading from Dundee to Arbroath; thence Eastward along that Turnpike Road until its Junction with the Old Craigie Road; Northwards along that Road to the Stobsmuir Turnpike Road; across that Road and from it along the old Road by the Back of Stobs-

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muir and Clepington till it reaches the East Road to the Fair Muir; around the March of the Fair Muir so as to include it until it joins the Strathmartine Turnpike Road; Southward along the Strathmartine Turnpike Road until its Junction with the Road which leads by the Back of the Law of Dundee from the Strathmartine Turnpike Road to the Coupar and Meigle Turnpike Road; along the Northern Boundary of that Road to the Lochee Toll-Bar on the Turnpike Road from Dundee to Coupar and Meigle; from that Toll-Bar Westward along the Road until it reaches the Stone Wall which runs on the West side of the House and Garden ground known by the name of Lark or Lerrick Hill; across from the Turnpike Road to the March between the Estate of Logie and the Estate of Balgay; from the Turnpike Road Southward along that Stone Wall to the said March, thence along the March Southward to the extremity of Logie; thence Southward to the Blackness Road along the Dyke and Hedge which form the present Boundary between Blackness and Balgay; thence along the Northern Boundary of the Blackness Road Westward to the Line of the March which is on the South side of that Road between Blackness and Balgay, and Southward along that March down to the River Tay, and thence along the margin of the River Tay Eastward to the Point first above specified,—shall be added and annexed to the Territory composing the ancient Royalty of the said Burgh; and the said Territory composing the ancient Royalty of the said Burgh and the additional Territory comprehended within the Limits before described, so added and annexed as aforesaid, shall be, and the same are hereby united and incorporated into One Royal Burgh, under the name of the Royal Burgh of Dundee, and the Burgh so enlarged shall be in the Place of the ancient Burgh, and shall enjoy in every respect the same rights and privileges as the ancient Burgh now enjoys or is entitled to enjoy.

Clause Fourth—

Provided also, and be it further enacted, That nothing in this Act contained shall affect or alter, or be so construed as to affect or

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alter the imposition or payment of Cess or Land Tax, or of any other Public Burdens imposed or to be imposed on the shire of Forfar, for or in respect of the several Lands and Heritages forming the said annexed Territory; nor shall such Lands and Heritages be liable in any cess or stent levied or to be levied under the authority of the Magistrates and Council of the said Burgh; and in ascertaining the proportions of the Cess or Land Tax payable by the Royal Burghs in relation to each other, the said Lands and Heritages and Trade there carried on shall not be included or taken into account, or the Proprietors or Occupiers of the said Lands and Heritages subjected in any part of the Cess or Land Tax payable by the said Royal Burghs, nor shall any petty Customs, or other Local Burdens or Prestations to which the Territory annexed to the ancient Burgh is not at present subject, be by the operation of this Act extended over such Territory; and generally, no Rights or Privileges belonging by law to the ancient Burgh, or to the Incorporations within the same, or to the Freemen or Inhabitants thereof, shall be infringed, nor shall any Burden or Restraint not at present in lawful existence over the annexed Territory or the Inhabitants thereof be extended over it or them, excepting only in so far as is otherwise expressly provided in this Act. Provided always, that it shall not be imperative upon the Magistrates and Council of the said Burgh, acting under the authority of this Act, to levy or exact the petty Customs in use to be levied within the said ancient Burgh, but nothing in the Act shall be held to injure or affect the Right to levy the same therein.

Clause Sixth—

And be it further enacted, That from and after the passing of this Act the whole Rights, Powers, Privileges, Jurisdictions, and Authorities now belonging to or enjoyed by the Magistrates and Town Council of the ancient Burgh, or any of them, or by them and the Deacons of Crafts jointly, whether at Common Law, by Statutes, Royal Charters, or otherwise, shall be, and the same are hereby

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vested in a Magistracy and Council consisting of Twenty-one Persons, *videlicet*, a Provost, Four Bailies, a Dean of Guild, a Treasurer, and Fourteen Common Councillors, named and to be appointed as hereinafter provided, who shall in all respects come in place of the Magistrates and Town Council, ordinary and extraordinary, of the ancient Burgh; and the common Good or Property which belonged, or may belong to or be acquired by the said ancient Burgh as now enlarged, shall be vested in and committed to and administered by the Magistrates and Council of the said Burgh as enlarged, acting under the Authority of this Act, in the same manner as the common Good or Property of the ancient Burgh was vested in, committed to, or could have been administered by the Magistrates and Council, ordinary or extraordinary, of the ancient Burgh; and the Rights, Powers, and Privileges of the Magistrates and Council acting under the Authority of this Act shall be applied to and extend over the whole of the enlarged Burgh, including the ancient Burgh, equally and in all respects to as full Extent and Effect as those of the Magistrates and Council, ordinary or extraordinary, of the ancient Burgh extended over the Territory thereof; and the Magistrates and Council acting under the Authority of this Act shall (under the Exception hereinafter mentioned) respectively have the same Jurisdiction, Powers, and Authorities over the enlarged Territory as are at present or might have been enjoyed or exercised by the Magistrates and Council, ordinary and extraordinary, of the ancient Burgh within the same, whether at Common Law, or under any Act or Acts of Parliament, Local or General, Royal Charters, or otherwise.

Clause Seventh—

Provided always, and be it further enacted, That the Jurisdiction of the Dean of Guild over the Territory annexed to the ancient Burgh shall not be privative or exclusive of the Jurisdiction of any Court of Law now competent to exercise Jurisdiction over the same; and nothing herein-contained shall be construed to compel any Party or

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Parties to apply to the Dean of Guild Court for Leave to make Alterations on Property within the annexed Territory, or for any other Object or Purpose connected with the same.

Clause Eighth—

And be it further enacted, That nothing in this Act contained shall affect or alter, or be so construed as to affect the Powers and Jurisdiction competent to the Sheriff and Justices of the Peace for the County of Forfar within the ancient Burgh or the Territory annexed thereto by this Act.

This Extended Municipal Boundary has by recent Decrees of the Sheriff, under Statutory powers, been farther extended, and made the same as the Parliamentary Boundary of the Burgh,—the only difference being that the first extended Royalty includes the area of the Fair Muir Cattle Market, which is not within the Parliamentary Boundary.—(See Nos. 253 and 254 of Inventory, and Plan.)

Note.—The Sett of the Burgh and the Election of the Town Council as fixed by the Act of 1831 have now been changed by the Municipal Reform Act of 28 August, 1833, 3 & 4 WILL. IV., c. 76, and subsequents Acts amending the same, including the Act of 1868 and Ballot Act of 1872.

THE WATER SUPPLY.

Considering the present area of the Town—the Ladywell being pretty near its centre—it will be interesting to state that the first public introduction of a water supply from beyond the Burgh should have been from the Ladywell. The Town at this time (1743) was in a very dilapidated and impoverished state, many of the street houses being in a ruinous condition, and what trade had existed was paralyzed. The estimated cost of the undertaking was £310, and a further expense was to be entailed of erecting wells or fountains in some of the streets. The Town was unable to raise the money, and a subscription was begun by the Inhabitants to supplement the Burgh Funds, but it was not successful; and the work having been gone on with, the Council had for some time to raise by credit the Contract Instalments.

The more recent attempts by the Council in 1835, 1836, and 1837 to procure a Water

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Supply caused probably the keenest and most disastrous controversies in which the Town had been involved, and, besides being practically frustrated, the Burgh was subjected in nearly £30,000 of costs of the controversies, and indeed was the real cause of the Town's recent difficulties and of being obliged to be under Trust—which Trust, after a period of twenty-four years, has only been discharged in the year 1864. These controversies were unfortunate, but the Town at the time, by not undertaking the introduction of the Supply, let this privilege fall into the hands of a Joint-Stock Company, who a few years afterwards constructed the Monikie Works, and when it was subsequently found requisite to place the Water Supply in the hands of the public themselves, there was no legal compulsitor on the Company to transfer, while by Clauses introduced into the General Police Acts and Public Health Act practically excluding all competition with the Water Company, the Public were placed in a disadvantageous position, and the price paid was consequently thereby, no doubt, considerably influenced. This Monikie Supply was supplemented by the purchase of the Loch of Lintrathen from the Earl of AIRLIE, and largely extended in its area. The Lintrathen water has been introduced by pipeage to Dundee of about twenty miles, at a cost, including Reservoirs and other expenses, of fully £300,000, in addition to the price of the Monikie Supply, and thus affording a daily water supply of from eight to twelve millions of gallons. Dundee, therefore, has now a Water Supply probably equal to any Town in the Kingdom. The contrast between the original Water Undertaking in 1743 and the Supply from Lintrathen both in quantity and cost is remarkable, yet such has been the increase of the Town, and the resources of the Inhabitants, that the cost for its introduction has been met with perhaps as equal facility as the original supply from the Ladywell.

The following are the resolutions of the Council for the Ladywell Supply in 1743 :—

29 March, 1743.—The Councill agree y^{t} the Ladywell Water be brought into the Town in lead pipes with the first conveniency, and In Regaurd the Town has not funds of their own sufficient for defraying the charge yr̃of, therefore Recommends to the present Magistrates, the Dean of Guild, LUNDAY, TEALIN, and Deacon GRAY, as a Comitee to make up proposals for raising Subscriptions In the Town for that purpose, & recommends to the Clerk to write to Mr. GRAHAM, Plumber in Edinburgh, to come here and view the ground, and give in ane Estimate of the charge thereof.

16 Aprile, 1743.—The Provost acquainted the Council that JOHN GRAHAM, Plumber, was lately in this Burrow, and had given in two Estimates of the Charge of bringing in the Ladywell into this Burrow in lead Pipes, amounting to two hundred and eighty pounds S^{t}., or

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thereby. The Councel unanimously agree that they endeavour to raise what they can by subscription for said work, and recommend to the Committee formerly appointed for making up said subscriptions to agree with Mr. GRAHAM for bringing in s^d^ water with y^e^ first conveniency.

26 Aprile, 1743.—The Provost acquainted the Council that, In consequence of a former appointment, The Committee had agreed with Mr. GRAHAM, Plumber, for bringing in the Ladywell water into the Burrow in lead pipes, and erect five fountains in this Burrow, all for Three hundred and ten pounds Sterling; That he was obliged to do it over this year, and to uphold y^e^ work for three years after,—of all which the Councel approve.

GAS-LIGHT.

It will be seen from the Council resolutions that continued disputes occurred between the Council and the Candlemakers in former times as to the price and quality of the Candles, and a controversy of a similar nature arose and was continued in recent times between the Public and the Gas-Light Companies, who had secured the monoply of the supply of Gas-Light. This controversy was only ended by the statutory acquisition by the public of the Gas-Light Companies' Works, with the view of supplying good Gas at the cheapest cost price. The Gas supply has now, therefore, since 1868 been in the hands of and under the direct control of a Representative Public Board, and which, judging from the experience already had of the change, promises to secure as far as possible to the inhabitants an improved supply of Gas-Light at the cheapest possible price.

THE OLD STEEPLE.

It will be seen from the Writs in the Inventory, and the Notes therein, that the Old Steeple has been now thoroughly renovated, after a Plan by Sir G. GILBERT SCOTT, in 1872. The expense—upwards of £8,780—was defrayed by a Subscription by the Inhabitants of £4,540, and a Contribution from the Common Good of the Town by the Council of £4,243.

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THE MAGDALEN GREEN.

By Decree of the Court of Session, dated 19 January, 1678, the Inhabitants of Dundee vindicated their rights of walking over, parading, and using the Magdalen Green for recreation purposes, while the Proprietor of Blackness had the right to the Solum of the Green and to the pasturage thereof. In 1858, by Action in the Court of Session, the Town objected to Mr. HUNTER of Blackness attempting to make Erections on the foreshore of the Green, and between the Green and the River. The Town got Interdict against such a proceeding, and ultimately a Decree was pronounced finding that the Town's rights over the Green proper would also extend Riverward so far as reclaimed or reclaimable—the River being the southern boundary. In 1856 the Town Council also purchased from the Board of Trade the Crown right to the Solum of the Pools which were in the Green in addition to the original extent of the Green, and this extended to the Railway Line.

In 1871 the Commissioners of Police, in the Improvement Act, got powers to acquire the Green as a Pleasure Ground under the Statute for public recreation purposes, and they subsequently purchased Mr. HUNTER'S rights of solum and pasturage of the Green. A Notice was also, in 1872, served by the Police Commissioners on the Magistrates and Town Council, who held the Green as above mentioned for the use of the Inhabitants, requiring them to name a price for the same, and thereafter to convey the same to the Police Commissioners, to be held by them under the Act. As yet no special Conveyance has been given by the Magistrates and Council.

THE LAW HILL.

The long-continued controversy regarding the right to the Law Hill has at last been arranged by mutual compromise. The long-continued exclusive occupation and use of the land around the Law—and of the Law itself so far as it could be used by grazing—following on the Title to the Dudhope property in the RANKINE Family, presented difficulties in vindicating the Town's claims to the Hill, although unquestionably the community of Dundee had from time immemorial used the Law for recreation purposes. In face of a threatened protracted and expensive litigation, which might have extended over many years, and been attended with great expense, it was considered advisable by the Council and their advisers to arrange a compromise, and this was effected by a payment by the Town of £1,138 for the Hill and surroundings—amounting to about thirteen acres,—conform to a Plan thereof; and as it was considered necessary also to acquire the Quarries on the north shoulder of the Hill, so as to prevent a continued working of these Quarries, to the danger of those frequenting the Hill,—those Quarries, from which Mr. RANKINE was drawing an annual revenue of somewhere about £200, were also purchased for the sum of £2,750, and are in the meantime being wrought by the Town at a considerable profit, but only worked for a time conform to a Plan to level the north shoulder of the Hill, so as to

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do away with the present dangerous nature of the locality from the deep excavations caused by the former working, and the margins of the Quarries sloped so as to be free from danger to the Inhabitants. (See Disposition, No. 263 of Inventory.)

ALBERT INSTITUTE BUILDINGS.

It will also be seen from the Deeds—Nos. 228, 229, and 264 of the Inventory—that, mainly by the generous liberality of the Subscribers to the Albert Institute, the Town has now acquired the Institute Buildings in Albert Square. This has enabled the Town, by extending the original Buildings, to give increased accommodation for all Departments of the Free Library and for a Museum and Picture Gallery,—all which, including the Ground, are now solely the property of the Town and Community for the useful and excellent public purposes intended by the Promoters of the Albert Institute and the Free Library Institution.

W. H.

POPULATION OF DUNDEE.

The population of Dundee has of late years rapidly increased with the increasing trade and manufacture.

Since 1821 the progress has been as follows:—

Year 1821,.....	30,575
1831,.....	45,355
1841,.....	62,794
1851,.....	78,931
1861,.....	91,664
1871,.....	120,724

And the present Estimate of the population in 1879 was stated to be about 150,000.

The Valuation of Property in Dundee in 1870–1 was £397,386 15s., and in 1879–80, £646,348 17s.

SHIPPING.

The Port and Harbour has been largely increased, and most extensive and commodious Dock accommodation constructed, with further projected extensions eastwards towards the Stannergate.

The number and tonnage of Vessels registered as belonging to Dundee was—

	SAILING VESSELS.	STEAM VESSELS.
In 1870,.....	No. 161, Tonnage, 43,489.	No. 27, Tonnage, 8,778.
" 1879,.....	" 141, " 65,442.	" 52, " 25,913.

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As affecting the Staple Trade of the Town, a large direct Import Trade in Jute from India to Dundee has arisen of late years. In the year 1870 the number of these large vessels arriving at the Harbour was 26, with a tonnage of 30,317, with 207,208 Bales of Jute, and in 1879 the number of these vessels arriving was 79, with a tonnage of 108,486, and with 739,172 Bales of Jute; while, as regards Flax, Tow, and Hemp, the number of vessels arriving with cargoes during the year 1879 was 115, with an aggregate tonnage of 43,211, and the Flax imported amounted to 27,046 Tons.

THE DUNDEE CEMETERIES.

Under the Burial Grounds Act of 1855, the Old Burying Ground known as the "Howff," granted in 1564 by Queen MARY, was closed on sanitary grounds in consequence of its long-continued use and excess of interments, besides being now in the centre of the Burgh. The other Burgh Burying Grounds at Constitution Road, St. Andrew's Church, St. Peter's Church, Logie, and Craigie were also closed under the Act of Parliament, and in their place the Board acquired large new Cemeteries to the Eastward, and Balgay Hill Cemetery to the Westward, suitable to the requirements of the Town.

W. H.

THE TOWN'S PROPERTIES AND ASSETS, 1879–1880.

At page 103, and from page 123 to page 126, I have given a general vidimus of the various Dudhope and Hilltown Properties and others of the Town which have been feued and sold. The Properties still belonging to the Corporation, in addition to the Feu-duties and Ground-annuals payable to the Town, are as follows, with the valuations thereof as given by Mr. ALEXANDER, Town's Architect:—

Stobbs Muir, 11 acres imperial, at £24 per acre, taken at 22 years' purchase,	£5,808
Cattle Market, lying betwixt Turnpike and Drill Hall Ground, 213 poles, at £3 per pole, taken at 22 years' purchase, and including Buildings and other erections,	14,058
Ground at West Bell Street—four Building Lots, at £20 each, taken at 22 years' purchase,	1,760
Carry Forward,	£21,626

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Brought Forward,.....	£21,626
Ground at Cemetery in the borders, including large space opposite entrance Gate available for Building purposes, 179 poles, at £1 per pole, taken at 22 years' purchase,.....	3,938
(It is doubtful whether these Borders will be feued.)	
Ground at front of New Court House Buildings, 12½ poles, ...	550
Ground at Panmure Street—two Building Stances, at £35 each, taken at 22 years' purchase, ...	1,540
Ground at Earl Grey Dock—two Building Stances, at £40 each, taken at 22 years' purchase, ...	1,760
Ground at Lindsay Street, 23 poles, at £6 per pole, taken at 22 years' purchase, ...	3,036
Property at Nethergate and Tally Street—Shops and Dwelling-Houses,.....	3,000
Property, Vault and St. Clement's Lane—New Hall, value	1,700
Property, St. Clement's Lane—Old Library and flat above, value	660
Property, St. Clement's Lane—Shop, Bakehouse, and flat, value	900
Property at Town House—Shops and Cellars under same, value	6,500
Property at Esplanade, ...	750
Quarry and Quarry Ground at Law, ...	2,750
	£48,710

In addition to the Properties held by the Town, they have considerable Feu-duties and Ground-annuals for properties feued out for Building along several of the Streets, and the Feu-duties and Casualties of Superiority of the Barony of the Hilltown. The Abstract of the Town's Properties and Affairs—less the Petty Customs—is given below. These Customs are let yearly by public roup, and last year the amount was £1,060 6s. 1d. The principal obligation due by the Town was the amount contained in the Bond granted by the Town to the Hospital Fund for £18,500 at the adjustment of Accounts under the Act of Parliament settling the "Stipend Case controversy" in 1864. It bears interest at 4 per cent., and is in the option of the Town to pay up or not as the Corporation may see fit. In September 1864 the Council granted this Bond, and the Town Council conveyed to the Hospital on 20th January, 1875, in security of this Debt, the Feu-duties and Ground-annuals belonging to the Town.

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ASSETS AND DEBTS OF THE TOWN OF DUNDEE

At 30th September, 1879.

Assets.

Heritable Property, as valued by Mr. Wm. Alexander, Town's Architect,	£48,710	0	0
Salmon Fishings, as last let, £72 10/- ℔ annum, at 20 years' purchase,	1,450	0	0
Feu Duties, amounting to £567 19/5½ ℔ an., at 22 yrs. purchase,	12,495	7	5½
Ground Annuals, ,, ,, £1492 2/8 ,, at 22 ,, ,,	32,826	18	8
Vicarage Duties, ,, ,, £3 5/6 ,, at 20 ,, ,,	65	10	0
Annual Payment by Dundee Gas Commissioners for liberty to open Streets, £70 ℔ annum, at 20 years' purchase,	1,400	0	0
Arrears of Revenue outstanding,	33	13	3
Sum advanced on account of the Bill for transferring the Works of the New Gas Light Co. not yet paid,	21	4	2
Balance due by the Town Chamberlain,	3	9	4½
	£97,006	2	11½
Feu Duty, £2 17/6 ℔ annum, payable to Kirk Fabric, at 22 years' purchase,	63	5	0
	£97,069	7	11½

N.B.—The preceding is exclusive of the value of the Town's Churches and Town-House above the Shops, which have not been taken into account.

Debts.

Sum contained in Bond granted to the Hospital,	£18,500	0	0
Principal Sum effeiring to £50, payable to the Dundee Royal Infirmary for Panmure's Endowment,	1,000	0	0
Principal Sum in Loan from Woodhill's Mortification,	94	0	0
Balance due to the Royal Bank of Scotland on Account Current,	3,091	18	3
	£22,685	18	3

Sum of the Assets,	£97,069	7	11½
Sum of the Debts,	22,685	18	3
	£74,383	9	8½

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THE HOSPITAL PROPERTIES AND FUNDS.

In Box 14, and the Numbers 32 and 41, will be found the reports on the Hospital Properties by Mr. Cosmo Innes on remit by the Court of Session in what is known as the "Stipend Case," and the agreement come to between the Town, the Church, and the Clergy, and all parties interested, whereby the Hospital Properties are finally declared. The Act of Parliament confirming the arrangement will be found in No. 41.

Subject to that adjustment, it may be interesting to learn the localities of some of the many Properties in and around the Town which were held by the Hospital.

The Hospital Properties were extensive and valuable, and about the end of the eighteenth and the beginning of the present century the Town Council as Patrons feued and disposed of a great part of these Properties. The following may be enumerated :—

In 1727-8, the Estates of Drumgeith and Baldovie were purchased by the Hospital at the price of £15,249 6s. 8d. Scots, partly paid by funds in hand belonging to the Hospital, and partly by money borrowed for the purpose ; and in 1737 a Mansion House was erected on Drumgeith. In 1734 Baldovie was feued to Richard Holden for a feu-duty of 500 merks, or £333 6s. 8d., and in 1740 Drumgeith Estate was feued to Bailie Reid for an annual feu-duty of £420 Sterling, and about this time various properties at and westward of Hilltown, which they had previously acquired from the Town, were also feued out, and a number of ground-annuals and properties were subsequently sold. In 1750-1 the Hospital, being due to the Town £904 17s. 11d., sold to the Town the Acres above St. Francis Well for £931 6s. Scots, and discharged their debt, getting over the balance of £26 8s. 9d.—(This is the transaction completed by the Disposition by the Hospital to the Town, dated 28th April, 1752, and being No. 270 of the Inventory—Town's Writs). About 1765 the Hospital Lands lying around the West Port, from the New Ward Mill, were feued to Mr. George Dempster and Provost Hallyburton, and the Superiorities and Feu-duties of the Estates of Drumgeith and Baldovie were also sold, as explained in Note on page 126.

The Hospital Properties in and around the Town were numerous. The principal of these may be stated to be the land known as the Hospital Park (Stirling Park), originally acquired along with the other Dudhope lands by the Town from Lauderdale.—This is still held by the Hospital. The Shortbank Acres, also part of the Dudhope lands, and feued to the Kirk Fabric by the Town, but sold in 1848 to the Hospital, and recently feued out. There are also the Feu-duties, Shops, &c., on the northern part of Reform Street, found to belong to the Hospital by the award of Mr. Cobb in 1848—referred to in No. 31 of the Inventory of Hospital Writs. The Hospital Buildings and Grounds at the Nethergate were disponed to Provost Riddoch. The Hospital Garden, extending to the Overgate, has been intersected by Tay Street, laid out by a plan through the garden ground, and feued on both sides. The grounds to the west of Tay Street joined with the subjects then known as the "Kirk Roods," now Park Place, and also Whitleys, then known as "Black

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Friars' Acre," and "lying without the Nethergait Port on the north side of the common gait." The Lands of West Ward and Westfield also belonged to the Hospital. The West Ward has been feued out, and now occupied by Manufactories along North Tay Street and Guthrie Street. Part of Westfield was feued to Mr. STRACHAN (Park Wynd) and others. These Lands of Westfield were acquired by the Hospital in 1665 from the Tutors of GRAHAM of Claverhouse, and estimated to extend to "fyve acres and two butts of land or thereby," including "that aker of land called the Marmaiden Pot, lyand in the Seafield," to the east of the lands which belonged to the Kirk Treasurer of Dundee, and the Flood Mark of the Tay on the south, "the common way yat leadis from Dundie to Invergowrie" on the north; also "ane aiker called Halkhill, betwixt the lands sometyme of PETER WEDDERBURN at the west, the lands of the aires and successors of WILLIAM DAVIDSON at the east, the flood mark of Tay at the south, and the hie way leadand from Dundie to Invergowrie (Hawkhill) at the north; and ane aiker thereof called the Berrihall, and others, extending in all to upwards of 5 acres, and all lyand on the Westfield of Dundie." The Hospital also acquired "All and Heall thaise four acres of Arable land lying in the Westfield of Dundie," purchased from THOMAS MILNE of Mylnefield in 1724.

It will be observed that part of these lands is called "ane aiker called 'Halkhill,'" and this acre is bounded on the north by the "hie way leadand from Dundie to Invergowrie," (viz. Hawkhill.) This "aiker" would thus appear to be the subjects fronting the Hawkhill between Small's Wynd and Balfour Street, and may possibly have given the present name of Hawkhill to this Street.

These several lands include what are now known as Airlie Place, Union Mount, and Ellenbank, lately belonging to Mr. EDWARD, and between the River Tay and the Hawkhill, and all feued out—the west portion to Provost JOHN HALLIBURTON in 1768 for a yearly feu-duty of £15 3s. 4d., the east half of the ground to GEORGE DEMPSTER for a similar feu-duty of £15 3s. 4d. Mr. STRACHAN, the feuar of the south half of the east portion, lying to the west of Mill Wynd or Small's Wynd, re-conveyed one half of his feu, and for which he got a reduction of £7 11s. 8d. of his original feu-duty. This half so re-conveyed to the Hospital was feued—the west portion to Mr. JOHN ALISON, and the eastern part to Mr. THOMAS DAVIDSON, and these are the properties known as Union Mount and Ellenbank. The Seabraes, or river bank along the subjects from Tay Street westward to Airlie Place and Roseangle, were feued out at different times for comparatively small feu-duties, partly to Mr. RIDDOCH and to Mr. THOMAS WATT, and others;—and all these properties and the river frontages between the western boundary of the ancient Royalty at Mr. WILLIAM LOWSON'S House to the junction of the Blackness Barony or Estate at Magdalen Yard Road are held to be within the ancient Barony of Dundee.

The estimated value of the Land and Property still held by the Hospital and unfeued is given last year (1879–80) by Mr. ALEXANDER, Town's Architect, as follows:—

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Property, Reform Street—one Tenement of Shops and Dwelling-Flats, value	£4,000	0	0
Ground at Kirk Roods, including south half of Stirling Street where feued, 2 acres 26 poles, at £48 per acre, taken at 22 years' purchase,	2,283	12	0
Land at Stirling's Park (Hospital Park), 11 acres 10 poles, at £48 per acre, taken at 22 years' purchase,	11,682	0	0
	£17,965	12	0

The Assets of the Hospital, including Rents, Feu-duties, Interest on Bond by the Town, &c., for the year 1879–80 were as follows :—

ASSETS AND DEBTS OF THE HOSPITAL OF DUNDEE

At 30th September, 1879.

ASSETS.

Heritable Property, as valued by Mr. WILLIAM ALEXANDER, Town's Architect,	£17,965	12	0
Feu-Duties, amounting to £587 11/0^8 per annum, at 22 years' purchase,	12,926	3	2^8
Ground-Annuals, " £203 8/5^2 " at 22 "	4,475	5	5^8
Altarage Duties, " £1 10/0^4 " at 20 "	30	0	6^8
Arrears of Revenue,	4	2	7^6
Sum contained in Bond by the Town,	18,500	0	0
Balance due by the Royal Bank of Scotland on Account Current,	198	13	10
Balance due by the Factor,	0	11	3^4
	£54,100	8	11^{10}

The above is exclusive of the Old Burying Ground (The Howff).

DEBTS.

Balance due to the Royal Bank of Scotland on Special Loan Account at 30th September, 1878,	£590	0	0		
Less—Paid to Account, per Revenue Account,	100	0	0		
Amount due at 30th September, 1879,				490	0	0
				£53,610	8	11^{10}

Number of Pensioners on the Hospital Fund—256, at 6/- per month.

Note.—In terms of the Agreement and Act of Parliament (29 July, 1864,) settling all questions between the Town and the Hospital—(See No. 42 of Inventory of Writs, Box 14),—the Town acknowledged to be due to the Hospital £18,500, for which they were to grant Bond, at 4 per cent. interest, and this was embodied in the Act of Parliament. A Bond for the amount was granted on 20th September, 1864, and is recorded in the Burgh Court Books on 1st December, 1864, and subsequently, on 7th January, 1875, a Collateral Bond and Disposition in Security, in favour of the Hospital, was granted by the Council, whereby they conveyed in security of said debt the Ground-annuals and Feu-duties belonging to the Town. This Disposition in Security is recorded in the Burgh Register of Sasines on 20th January, 1875. The Deed will be found in No. 42 of the Inventory of Hospital Writs aforesaid.

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THE PROPERTY OF JOHNSTON'S CHARITY, 1879–80.

This Bequest was declared by the Settlement Act of 1864 to be the property called Monorgan's Croft, with £1,000 in addition as an equivalent to meet the uninvested portion of the Bequest.

The Croft, bounded on the south by South Ward Road, on the east by Barrack Street, on the north by the March of the Town's Property near to Bell Street, and on the west by North Lindsay Street, has for most part been feued to Messrs KIRKLAND and others. The portion remaining is nearly opposite the Police and Sheriff Court and County Buildings, and is valued by Mr. ALEXANDER, Town's Architect as follows :—

Ground fronting Ward Road and continuation of Lindsay Street to Court House Buildings, 64 poles, at £2 10/- per pole, at 22 years' purchase, ...£3,520.

It may be stated, however, that a considerable portion of this measurement comprehends the present open street in front of the Court House Buildings to the south of Bell Street.

The following are the Assets of this Fund, as made up for Year 1879–80 :—

ASSETS AND DEBTS OF JOHNSTON'S CHARITY

At 30th September, 1879.

ASSETS.

Heritable Property, as valued by Mr. WILLIAM ALEXANDER, Town's Architect, .		£3,520	0 0
Feu-Duties, amounting to £830 14/6 ℔ annum, at 22 years' purchase, . . .		18,275	19 0
Sum lent to Parochial Board of Parish of Monifieth, ...		1,000	0 0
Arrears of Revenue, ...		55	15 2d
Balance due by the Royal Bank of Scotland on Account Current, ...		103	2 5
Balance due by the Factor, ...		2	10 2
		£22,957	6 9d

DEBTS.

Due to the Royal Bank of Scotland on Special Loan Account at 30th September, 1878,*	£1,310 0 0		
Less—Paid to Account, per Revenue Account, . .	100 0 0		
Amount due at 30th September, 1879, ...		1,210	0 0
		£21,747	6 9d

Number of Pensioners on Johnston's Charity—269, at 4/6 per month.

* This was to pay the share of Expenses of the Proceedings and Act of Parliament settling the rights of the Patrons in 1864, and, as at present arranged, is to be liquidated by £100 a year being paid from Revenue.

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ANCIENT ARTICLES OF ENQUIRY IN BURGHS, ACCORDING TO THE CUSTOM OF SCOTLAND, AS TO THE ADMINISTRATION OF THE LAW.

IN ancient times the Chamberlain held Air or Court of Enquiry in Burghs into the administration of the Burgh Authorities, and to hear and dispose of complaints by the Inhabitants against the same. These duties of the "Chalmerlan" embraced the following Articles, taken from the ancient Laws of the Kingdom, and these may be of some public interest as shewing the ancient laws and practices which prevailed in the Burghs at an early period.

A remnant of this duty is now competent to the Commissioners of Justiciary in their Circuit Courts. It is the duty of the Court openly to proclaim that, if any one has any complaint to prefer against the Sheriff or Local Judges, that they compear and prefer the same for the cognizance of the Court.

For centuries also the Kings were in the practice personally of holding "Justice Ayres" in certain of the larger Burghs, and in Dundee some of the STUART Kings have presided at these Circuit Courts of Justiciary. This practice has been, however, long in disuse—the duty being now performed by the Lords Commissioners of Justiciary.

ARTICLES OF INQUIRIES IN THE CHALMERLAN AIR.

(1.) Imprimis, gif the bailies doe judgment and justice at all times.

(2.) Imprimis also, gif the bailies doe justice equallie to the puir and the ritch.

(3.) Also, gif the bailies tak gifts for doing justice to any.

(4.) Also, gif the bailies mak themselves parties in Court.

(5.) Also, gif the bailies keip the asise of bred, aill, and flesches.

(6.) Also, gif the bailies serch thrice in the year for casting forth of lipper-folk.

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(7.) Also, gif the bailies haue giuen saising of any land beyond what is defended.

(8.) Also, gif any one hes mis-sayed the bailie in Court or out-with.

(9.) Also, gif any hes deforced the bailie or serjant of the town.

(10.) Also, gif any judgments haue been pronounced, falsed and not presented.

(11.) Also, gif the bailies have executed judgment upon baksters, browster men and women, after they be amerced.

(12.) Also, gif browster-wives sel aill be quart and be just measures.

(13.) Also, gif the bailies have caused measures, wechts, and elnes to be duly examinit.

(14.) Also, gif browster-wives brewe and selle aill conform to the price set upon it by the taisters. And gif they selle before the aill hes been prised be the taisters.

(15.) Also, gif the browster-wives sell their aill by potsful, and not by sealed measure.

(16.) Also, gif baksters keip the wechts of bred delivered to them by the bailies. And how oft ilk bakster, and breakers of asise are amerced in the yeare.

(17.) Also, gif fleschers buy any other than sound beastes.

(18.) Also, gif fleshers selle flesche otherwise than publickly in the market.

(19.) Also, gif fleshers keip the asise imposed on beef, mutton, and pork.

(20.) Also, gif the apprysers of flesche doe their office justlie, and sa oft as they are requyred.

(21.) Also, gif the taisters of aill perform their service or office justlie, and sa oft as they are requyred.

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(22.) Also, how oft browster-wives are amerced in the year. And how oft baksters and fleschers are amerced in the year.

(23.) Also, gif the bailies maks bred and aill for sale in their own houses.

(24.) Also, gif any man forestall the burgh by sea or land.

(25.) Also, gif any lipperfolk are receavit secretly in the toun.

(26.) Also, gif there be any common sklanderers not punished.

(27.) Also, anent the use within the burgh of double measures, elnes, and wechts; that is to say, ane for selling, and ane other for buying.

(28.) Also, gif any man or woman, not hauand the freedom of the burgh, uses the freedom against the priviledge of the burgh, within or without the said burgh, to the hurt of our Lord the King, and of his burgh.

(29.) Also, gif any man hes occupied, entered, or held the land of our Lord the King, or any other manis unjustlie.

(30.) Also, gif any man halds fra our Lord the King his service or the annual rent due from his land.

(31.) Also, gif any hes sold any merchandise wholesale, abstractand the maletout and sma custume of our Lord the King from him and his customers.

(32.) Also, gif any bailie in the assedation of profits of our Lord the King hes been a partaker of the tak.

(33.) Also, anent lands and rents comand to the hands of our Lord the King be any way, as be escheit or be forefaltour, and anent the possessouris of the samine. Also anent the Kingis rents conceiled.

(34.) Also, anent them wha violentlie intruse themselves into other menis lands, and occupie the samin unjustlie.

(35.) Also, anent lands disponed in mortmain without the Kingis license.

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(36.) Also, anent them who use the libertie of the burgh not hauand bigged land, after a year.

(37.) Also, of coukes makand reddie fiesche or fish in pastry not fit for the use of man; or if after they have keipit such attour (beyond) the proper time, they heat it againe, and selle it to the manifest deception of the people.

(38.) Also, of allowances made to the bailies of the burgh, the puir nocht payit for doing carriage and other labours.

(39.) Also, of them wha abstract their geir at the cumming of the chalmerlan or his clerks, because they will not sell it to our Lord the King.

(40.) Also, of the bondmen of our Lord the King hiding within the burgh.

(41.) Also, anent taxations in burghs, gif they be equallie imposit upon the ritch and puir conforme to their means.

(42.) Also, gif there be a just assedation and uptaking of the common gude of the burgh, and gif a faithful compt of the samine be made to the comunity of the burgh. And gif it be not sa, be whom, and in whais hands the produce hes come, and gif the common gude is bestowed in the busines of the community.

(43.) Also, anent four score merks of silver granted by our Lord the King for the cleansing of the town of Berwick, into whose hands they have come, and whether into the hands of private persons, and the town was not cleansed by that money.

(44.) Also, anent the guaging of claiths and wynes how they are keipit. And anent the keiping of the great custome be it privately inquired.

(45.) Also, of suits auchtand to the court of our Lord the King and abstractit therefra.

(46.) Also, of cariages taken up and sauld againe.

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(47.) Also, of all turbulent folk in Court.

(48.) Also, gif the bailies have made ane rol of the pleyes perteining to the Kingis Crowne within burgh: that is burning, revissing of wemen, murther, and reif.

(49.) Also, gif the bailies have made end to any quarrels betwix burges and marchand after thrie ebbings and flowings of the sea be delay voluntary.

(50.) Also, gif the haill measures and wechts in the town be sealed with the seal of the burgh. And gif any man hold others not sealed.

(51.) Also, gif any man halds in his ovene mae servants than aine master, twa servants, and ane knave (boy). And gif the owner of the ovene tak for his ovene mae than ane halfpenny at ilk time, the maister ane halfpenny, the twa servants ane pennie, and the knave ane farthing.

(52.) Also, gif watches be sufficiently kepit within burgh, and gif they go from house to house. And gif widowes are compellit to watch.

(53.) Also, gif any man keipis strangers in his houses langer than ane nicht, wha will not give pledge for them.

(54.) Also, gif any man hes taken excessive tolls above the constitution of the burgh.

(55.) Also, gif the bailies of the burgh keip the ordinance anent fischers, and place nocht fisch in houses, but in the market, if they come during the day.

(56.) Also, gif all the serjants are commonlie chosen be all conforme to the constitution of the burgh.

(57.) Also, anent those who cut fish for sale befoir the third hour in winter and befoir the first hour in summer.

(58.) Also, gif any man keipe hand mylnes, other than ane burges, and brewes and makes malt, composition not made, and wha manteins them.

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(59.) Also, gif the bailies have made rolment of their courts and asizes.

(60.) Also, gif any sowsters buy skins other than such as have the eares and hornes equal in length.

(61.) Also, gif another nor ane burges make lard for sale.

(62.) Also, anent the revealers of asises and the secrets of the King in the burghs.

(63.) Also, gif there be any bailie or any other common servant of the burgh wha is not a burges of the samine burgh hauand no inhabite land within the samine.

(64.) Also, gif any man hauldand the place of Lord Chalmerlan, or a bailie of the burgh, hes stand in pleyes against our Lord the King, or against the estate or libertie of his communitie, with bishops, abbates, priours, earles, or with any others for price or for prayer.

(65.) Also, gif there be any burgeses wha hardlie handle als well stranger marchands as marchands of this realm, cumand to burghs with their geir be sea or be land, by not keiping the lawes, not makand payments aucht to them or doing other injuries to them, by reason whereof such marchands wholly leave their cumming to burghs, and the portes of burghs, to the damage of our Lord the King, and the manifest wrack of the communities of burghs, on account of herships of this kind.

(66.) Also, gif stallangers commonlie buye and selle within the burgh, as burgeses, and be whais permission. Gif they have brewed, or made malt, or hauld mylnes.

(67.) Also, gif roumes in the mylne be duly keipit for the burgeses according to their station, by the myller. And gif there be more myllers nor the lawe permites.

(68.) Also, gif the myllers enlarge the ring of the curbs in the mylne mair than the space of ane wand of a summer growth.

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(69.) Also, gif any take salmon in myln dams by nets or other engines.

(70.) Also, of them who drawes their nychboures befoir the ecclesiastical Court anent matters which should be richt be tried before the bailies.

(71.) Also, of serjants wha takes gifts to hauld back from the asise them who haue been sworne to pass upon it.

(72.) Also, of those who spare the ritch, and cause summons the puir to be on the asise.

(73.) Also, anent those who are sworn to pass furth the town, and yit are conceilit in the same, and by whom.

(74.) Also, of hostillages within burgh.

(75.) Also, of fleschers, being burgeses, putting to their hands to kill mairts.

(76.) Also, of litsters burgeses, wha putis their hands in the wadd.

(77.) Also, of those wha hauld in their hands lands whilk they had be gift from our Lord the King before Bannock[burn], contrare to the revocation made at Cambuskenneth.

(78.) Also, of those wha abstract the multers of our Lord the King fra our Lord the Kingis mylnes.

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THE ANCIENT LAWS AND CUSTOMS OF THE BURGHS.

THE following are a few Extracts from the Burgh Laws adopted and generally followed in all the Burghs of the Kingdom. The Extracts are taken from a collection of the Old Laws by the late COSMO INNES, Esquire, Advocate, the eminent Antiquarian. They comprehend the laws and usages made and followed in the Reigns of the Early Kings, including DAVID THE FIRST, WILLIAM THE LION, ROBERT THE BRUCE, and DAVID THE SECOND, from the Eleventh to the commencement of the Fifteenth Century. These, with the various points on which Enquiry was to be made by the Chamberlain in his periodical Courts of Enquiry, as before given, will give a fair illustration of the acts, usages, and habits of the Burgesses in bygone times. These acts fully corroborate the extracts given of our Town Council proceedings in the same direction of a more recent period, and as proving the complete and supreme control taken by our local Magistracy in regard to the traffic, trade, and commerce within Burgh in earlier times, with the care taken for the protection of the Inhabitants in all their interests, wants, and dealings.

The rule for the speedy decision of law-suits and disputes in Burgh "within the third flood of the sea" is even yet worthy of imitation.

Of the hevyd mutis (head meetings) that rynnys thruch the yhere.

It is for to wyt that three hevyd mutis are thruch the yhere that behofis ilke burges for to be at. That is to wyt the first eftyr the fest of sanct Michael, the tother next eftyr Yoill, the thrid eftyr Pasch. And suilk burges hafe nocht beyn at thir mutis na hafe nocht lafully essonyeit (excuse) hym, bot gif he war seke or ututh the countre or than at the fayris, gif he be wonnande (residing) in burgh he sal geyf iiii d. for his forfautyng. And gif he be a burges apon lande he sal geyf viii s. for whi the burges that is apon lande (belonging to the country) is nocht haldyn to cum til ony mutis thruch the yhere bot (except) thir thre hevyd mutis.

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Of the chesying of the borowgreffis (and their duties).

At the fyrst mute (public meeting) nexte eftir the feste of sancte Mychael the aldirman and the bailyeis sal be chosyn thruch the consaile of the gud men of the toune, the whilk aw to be lele and of gud fame. And thai sal suer fewte (fealty) til the lorde the kyng and to the burges of the toune. And thai sal suer to kepe the customys of the toune and [that] thai sal nocht halde lauch (law) on ony man or woman for wroth na for haterent na for drede or for lufe of ony man, bot thruch ordinans consaile and dome of gude men of the toune. Alsua thai sal suer that nother for radnes (fear) na for lufe na for haterent na for cosynage (relationship) na for tynsale (loss) of thair silver thai sal nocht spare to do rycht til all men.

Of the kepyng of the lawis in burgh.

In evir ilk burgh of the kynrik (kingdom) of Scotland the mare or aldirman of that ilk burgh sal ger xii of the lelest burges and of the wysast of the burgh suer be thair gret athe that all the lawys and the usyt custumys lauchfully thai sal yeme (keep) and mantene eftir thar powar.

Of mutis and playntis that rises in burgh.

Mutis (pleas or actions) that rysis in burgh thar thai sall be haldyne and determit, outakyn (except) tha that fallis to the kyngis croune, And it is to wyt that all playntis the whilkis are in burgh sall be endyt wythin burgh, outakyn tha at fallis to the kyngis croune. And tha that fallis to the kyngis croune sall be enrollyt and yhemyt (kept) to the cummyng of the iustyce, And than thai sall be mote (pled) and endyt in the court of the burgh before the iustyce.

Of mutis betuix a burges and a marchand (summary law).

Gif a mute (action) be raisyt betuene a burges and a marchand it sall be endyt wythin the thrid flud of the see.

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Of burrowgreffis bakande or brewande.

Nane aldirman, bailye, na beddel sall bake brede na brew ale to sell wythin thair awin propir house durande the tym that thai stand in office.

Of the lyneris wythin burgh.

The aldirman at the sicht and be the consale of the communite of the burgh suld cheise lyneris at the lest four wise and discrete men sua that na complaynt cum to the kyngis chalmerlane for inlaik of lyning. And gif ony complaynt beis maid thai sal be all in an unlaw alswele bailyeis as the lyneris. And the saidis lyneris sal suer that thai sal leilly lyne in lenth as braidnes baith foir part and back part of the land according to the richt and auld merchis withyn the burgh.

Gif ony lande be lynit be the bailyeis and lell men of the toun bath the partis beand present, and the merkis be laide and sasing of the merchis haldyn and oysyt be a day and a yer, the saide lande ane other tym aw (are) nocht to be lynit agane. Bot gif a merk be remuffit the balye aw to do rycht to the plenyeour (complainer).

The puyn of rebellouris in burgh.

Gif ony burges be rebellour again the communitie of the burgh, or haf done ony fraud and apone that be convickit, his hous salbe strikyne to the erde (earth) and him self put out of the toune.

Ordinance made anent conspirators.

Item, we ordain that if any one shall make and conspiracy against the community to separate or scatter it, and of this be convicted, he shall give a cask of wine as forfeit.

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The libertie of the merchandis gilde.

Item it is statut that the merchandis of the realme sall haif thair merchand gilde and sall ioice and possesse the samyn, with libertie to by and sell in all placis wythin the boundis of the liberties of burghis, sua that ilke ane be content with his awne libertie and that nane occupy or usurpe the libertie of another, that he be nocht convict and punischit in the Chalmerlane ayr as ane forestaller (one who buys merchandize before it comes to the market, or within the forbidden time).

Of a thryll at cummys to burgh.

Gif ony mannis thryll (slave) barounis or knychtis cummys to burgh and byis a borowage (tenement) and duellis in his borowage a tuelfmoneth and a day foroutyn (without) challange of his lorde or of his bailye he sall be evir mare fre as a burges wythin that kyngis burgh and ioyse the fredome of that burgh.

Anent the mercat and wares.

All dwallers in the country als weil frie-holders as peasants, wha are dwelland in our scherriffdom, sal come with all their moveable wares for sale, to nane uther mercat nor ours within the scherriffdom whair thai dwall. And if thai be convictit of doing otherwise, ilk ane sal pay eight shillings for his forefaltour, and tyn his ware.

Of buying and selling of merchandise.

Item it is statut that na prelat or kirkman erl baron or secular person sall presume to by woll skynnis hydis or sic lik merchandise, bot that thai sall sell the samyn to merchandis of burghis wythin whais schirefdom and libertie the awnaris sellaris of tha merchandises dois duell. And it is commandit be the King that the merchandises

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forsaid and all other merchandises salbe presentit at the mercat and mercat croce of burghis, and thar at the lest salbe preofferit to the merchandis of the burgh effectuouslie wythout fraud or gyle. And the custome tharof salbe payit to the King.

Of strangear merchandis.

Item it is statut that na strangear merchand of whatsumever nation he beis sal by or sell ony kind of merchandise wythout burgh, bot wythin burgh allenarly, and chefly to merchandis and fra schippis pertenand to the merchandis of the burgh. Likewise the King commandis that na strangear merchand arrivand with schippis and merchandise sall cut claith or sell in penny worthis bot in grete, and that wythin burgh and to the merchandis of the burgh. And gif ony strangear merchand sall happin to be fundyn doand in the contrar he salbe apprehendit be the servandis of the gilde, and salbe punischit as ane brekar of the Kingis protection.

Item, that na burges bringe bred or ail fra ane burgh to ane other to sel, under paine of escheate of the bred and ail and amercement of aucht shillin for the injurie and prejudice done to the nychbors and the libertie of burghs, forasmeikle as nane aw to encroach upon the libertie of ane other.

Of forstallaris in the Kyngis burgh.

Na man that wonnys (resides) in the Kyngis burgh na yit ututh (beyond) sal be sa hardy on the mercate day for to pas ututh the lymytis of the burgh for to by ony gudis befor that it cum wythin the yhettis of the toune. And thai that dois the contrare and thar apon is convyckit sal pay amerciament of viij s. unforgyffyn.

Of mesurys and wechtys wythin burgh.

Ilke burges may hafe in his hous a mesure to met his corne, ane

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elnewand, a stane and punde wecht for til wey. And al thir mesuris and wechtis sal be selyt wyth the seele of the burgh. And it is for to wyt that whasa is fundyn with fals mesure or wecht sal pay a full amercyment.

Of hukstaris (buying and selling).

It is to wyt that hukstaris that byis and sellis agane to wynning sal nocht by ony thing befor that undern be rungyn (rung) in wynter (9 A.M.) and mydmorne in somer (6 A.M.) Na woll, wrocht na lyttyt (dyed), na nane bot whyt woll, nor na yharne, nor nane suilke (such), sal by na tak outtane (except) the tym of the fayre. And wha sa tharupon beis convykkyt sal geyff viii s. to the amerciament, and alsa he sal tyne the thyngis sa bocht.

Of fleschewaris in the burgh.

Wha that wyl sell flesche he sal sell gude flesche, beyff, muttone, and pork, eftir the ordinans of gud men of the toune, and he sal sett his flesche opynly in his wyndow that it be sene communly till al men that will tharof.

Anent apprisand flesches.

Item, on all flesches cumin to mercat als well of them dwelland within burgh as outwith, a price sal be set be prisers appointit for sic purpose, and the seller sal be requyrit to sell thair flesches at that price to ony willing to buy, and if he refuse, he sal be distrainit be the balyies, and if ony exceed sic price, he sal in like manner be correctit. And nane sal sel flesches til thai be apprisit. And na flescher sal be ane pastry-cook.

Of baxtaris and thaim that sellis fysche.

Baxters be law ar haldin to haf bot iiii seruandis at thar ouynis (ovens), that is to say the master ii seruandis and a knaf (boy).

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Baxtaris at bakis brede to sell sall bake whyte brede and gray eftir the consideracion and prise of the gud men of the toune eftir as the sesson askis. And the baxtar sall hafe to wynning of ilke chaldir eftir as sall be sene thruch the gud men of the toune and nocht eftir his awne discrecione. And wha that bakis brede to sell aw nocht for to hyde it bot sett it in thair wyndow or in the mercat that it may be opynly sauld. And wha sa dois othirwayis and thairof thai be convict thai sall pay amercyment of viii s. and the brede sall be delt to the puir folk. And rycht sa aw it to be of hym that bryngis fysche to sell to the burgh.

It was to be a cause of accusation against Skinners, Tailors, Weavers, and Saddlers if they did any of the following acts, vizt. :—

Against Skynnaris.

In the first, that thai mak gluvis and vther graith or ther lether be kindely wrocht and maid. Item that thai hunger ther lethir in defaut of graith (furnishings), that js to say alum eggis and othir thingis. Item that thai deir (raise price) the kingis mercate and the cuntre of eggis bying. Item that thai file the kingis watter. Item that thai sow and wirkis with fals graith.

Against Tailyeouris.

In the first, that thai mak our mekil refus and schredis of mennis claith, whiles for greit haist and vther whilis for faut of cunnyng. Item that thai tak pecis and scredis and sleuis, or vther small thingis. Item that thai mak mennis garmentis otherwayis than men ordanis thaimself or biddis. Item thai sow with fals graith. Item thai breik men ther dais. Item thai mak thaim maisteris or thai can the craft in grete skaithing of the king and the peple.

Against Wobstaris.

In the first, that thai mak our lang thryms in skaithing of the

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peple. Item whair thai tak in with wechtis when thai gif jt out thai mak jt donke (damp) and wete with water, castand thingis therin to gar it wey and ther throw haldand out of it to thame self a grete quantitie. Item that thai tak a mannis yarn and puttis in ane vtheris wob for haste.

Against Sadillaris.

In the first, that thai mak the sadillis of grene tymmer, whair thai aw to be maid of widderit and dry. Item that thai festyn tham nocht fast, na bindis with lethir na glew, as thai aw to be. Item that thai knyt to ther [sadillis evil] harnassying fals bridill, bittis and sterapis broken, throw the whilk mony men ar hurt or slayn. Item that thai hald nocht thair dais that thai mak to men. Item that thai hald nocht thair halydais.

Ordinance anent the buying of herring and fish.

Also, we ordain that no one shall buy herrings or other fish which are brought by ship to the town until the ship be on dry land and the oars taken out. Nor any other merchandise, such as corn, beans, pease, or salt. And if any one be convicted thereof, he shall give to the Gild a cask of wine as forfeit, or be expelled the town for a year and a day.

Of sellaris of met and drynk.

All broustaris the whilkis sellis ale and thai that sellis brede or flesche or fysche, and all hukstaris the whilkis byis and sellis communly, sal sell til al men als well gangand as cummand what somevir, and thai sall halde na mare in thair house to the oyse of thair hushalde gif that ony man wil by it bot to the valur of iiii d. oure nycht, and al the layff sal be common til al maner of man passand and cummand for thair payment. And wha dois the contrare of this and tharof be convyct he sal pay to his forfalt viii s.

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Of annuel rent of broustaris.

Wha sum evir will breu thrw the twelf moneth aw to geyf the aldirman in the yhere iiij d. And for half a yhere to hym bot ij d.

Of soutaris barkande (tanning) in the burgh.

It is to wyt that na soutar duelland wythin the burgh aw to by ony hydis of mare prise to bark (tan) bot tha that has the eyris and the hornis of equal lenth.

And it will be a cause of accusation against them—if that thai mak schone, butis, and vther graitht of the lethir or jt be barkit. Item that thai sow witht fals and rottin threid, throu the whilk the schone ar tynt or thai be half worn. Item whair thai suld gif thair lethir gude oyle and taulch (grease), thai gif jt bot watter and salt. Item thai wirk jt or jt be courait, in greit hindering and skaith of the kingis liegis.

Wechts and measures.

At ilk air, the clerc of the chalmerlane sal carrie with him wechts and measures, and sal gar the tron-wechts be very strictly examinit, and gar them agree altogidder with his ain wechts, nor mair or less. And if ony man or woman be convictit of fause wecht or measure be inquest of the balyies, he or she sal be in the King's will for life and limbs, for lands and tenements, and thair heirs sal be altogether disherysit, if the grace of our Lord the King intervene not.

Of kemestaris that forsakis the burgh.

Gif ony kemestaris (wool-combers) levis the burgh to dwell wyth uplandys men, havand sufficient worke to occupie thaim within burgh, thai aw to be takyn and prisonyt.

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Off hym that has a knyf in the gyld.

Item we haf ordainit that na burganour (quarrelsome person) within the boundis of the gyld sal ber a knyff with a poynt, the whilk giff that he dois he sall amend with xij d.

Of burges at has had syndry wyffis.

Gif ony burges has hade twa wyffis or ma and has mony landis, and with ilkane of his wyffis has gottyn syndry sonnys and dochtyrs, all the landis the whilk he hade that day at he was quyk and dede, alswele of herytage as of conquest at he hade nocht assignyt till na man, tha landis at war gottyn in the tyme of the fyrst wyffe sall turn agayne to the childer ayris of the fyrst wyffe. And on that ilke maner the landis that war gottyn in the tyme of the tothir wyffe sall turn till hyr chylder ayris (heirs), gif thai be nocht giffyn befor na assignyt till ony man lachfully. And the secund woman sall nocht be in the hous of the fyrst ayre eftir the dede of hir husband bot xl days.

A sensible rule.

The heire of ane burges is of perfite age when he can number and tell silver or measure claith with ane elwand, or doe other his fathers busines and affairs.

Of thyngis pertenand to the burges ayre.

Gif a man or a woman that is burges dee in the burgh, whethir that thai mak testament or nane, of all the gudis the ayre sal hafe thir necessare thyngis pertenand til his house, that is to say the best burd wyth the trestis, a burd clayth, a towall, a basing, a lawar, the best bed wyth the scheyttis and all the laif that tharto pertenys of claithis, and the best fether bed [or noppis (wool or flock bed) gif thar be na fethirbed], a leyd (brewing utensil) with a maskfat (vat), a gylfat, a barell, a caldrone, a ketill, a brandreth, a posnet, a chymnay, a stop,

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a cruk. Thir foirsaidis thyngis aw nocht to be left in legacy fra the house. Alsua what evir be byggit, set, or saune, all sall byde wyth the grunde. Alsua he sall hafe a kyst, a schyrn (shearing hook), a pluch, a wayne, a cart, a char, a brasyn pot, a pan, a rostyng yrne, a girdill, a mortar, a pestall, a masar (drinking cup), a dubblar, a cop, tuelf spunys, a benk, a furm, a stull, a balance and wechtys, a spade, ane ax. And gif the lande be herytage all thir thyngis forsaid till herytabill rycht ar knawin to perteyn, nevir the less the burges in his lege pouste all thir thyngis may sell gif that he be constrenyeit wyth necessite or poverte, and that sall be wytnessyt be the burges. And of all thir forsaid thyngis and all uthiris of houshald the best pertenys to the ayre.

The payne of ane wyfe trespassand.

Gif the wyfe of a burges trespassis til hir nichtburis and fyndis a borch (cautioner) to stand to the law wythout the consent of hir husband, and gif in the courte scho fallys in foly ansuer and tharof be convyct be dome of courte, hir husband is nouthir haldyn til ansuer for the amerciament na yit for the askyng of the folowar (pursuer) forthir than the soum of iiii d. bot gif hym (except he) lykis. Bot he sall chasty (chastise) hir as a barne wythin eylde (age) as scho at for faut of knawlege wrocht out of his consals.

Of the breder of the gilde.

Gif ony of the breder of gilde fall in pouerte, the breder of the gilde sal help him of guidis of the gilde, or thai sal mak a colect throu the communite of the toun to the some of xx s.; and gif he dissess thai sall ger him be erdyt (buried).

Off the dochter of the gyld bruther.

Giff that ony of the brether of the gyld efter his desces leyff a dochter off his spousit wyff borne, the whilk be of loffabill conuersa-

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cione and of gud fame, geyff scho haf nocht of hir awin whar of it may be purwayt hir of a man [or of a religious house gif that scho lyk to lef chast] efter the estimatioun of the alderman and the faculte of the gilde, it salbe purwayt (provided) til hir of a husband or than a hous of relygione.

Off hym that fallis crukyt in the gylde.

Giff ony of our brether of the gilde in his eyld fall crukyt or pure or in ane vncurabill seyknes, and he haue nocht of his awin whar of he may be sustenyt, efter the estymacion of the Alderman ande of the brether, as the faculte of the gyld askis and may susten, he salbe releffyt.

Offenders.

Item, giff ony of the brether stryk ane vther with his nef he sall amend it with halff a mark, and efter the will of the Alderman and the Den and the layff of the brether he sall mak asyth to the perty. Item, giff ony of the brether of the gyld thru violence drawis blud of ane othir he sall amend wyth xx s., and efter the will of the Alderman and of the Dene and of the layff of the brether he sall assyth. Nor ther sall nayn of thir mendis (compensation) wyth ony prayer be loussit na slakyt (relaxed) be na maner of way.

Of the statut of thift.

Giff ony be tane with the laff (loaf) of a halpenny in burgh, he aw throu the tovn to be dungyn (beaten). And fra a halpenny vorth to iiij. penijs, he aw to be mar sayrly (severely) dungyn. And for a payr of schone of iiij. penijs, he aw to be put on the cuk stull, and efter that led to the hed of the toune and thar he sall forsuer the toune. And fra iiij. penijs til viij. penijs and a ferthing, he sal be put upon the cukstull, and efter that led to the hed of the toune, and ther he at tuk hym aw to cut his eyr of. And fra viij. penijs and a ferding to xvj.

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penijs and a obl., he sal be set apone the cukstull, and efter that led to the hed of the toune, and ther he at tuk hym aw to cut his vther ear of. And efter that gif he be tane with viij. penijs and a ferding, he that takis hym sal hing hym. Item for xxxij. penijs i. obl., he that takis a man may hing hym.

STATE AND CONDITION OF THE TOWN OF DUNDEE IN 1692.

THE Convention of Royal Burghs in 1691 appointed a Committee to visit all the Burghs, and to get a Report or Return of their State and Condition; and the Records of the Convention in 1692 contain these Returns. The State and Condition of Dundee is thus given:—

BURGH OF DUNDEE.

Charge.

	lib.	s.	d.
Imprimis, the towns milns, yearly	722	0	0
Item, the pettie customs, yearly	940	0	0
Item, the flesh and fish stocks, yearly	80	0	0
Item, the postmastership, yearly	36	0	0
Item, a years rent of the anchoradge and shoresilver	80	0	0
Item, a years of the ten pennies on ilk stipend of malt	26	13	4
Item, a years rent of the salmond fishing	180	0	0
Item, a years of the midding lairs at the east and west ports	18	0	0
Item, a years rent of lim potts and grass at the east port	3	8	8
Item, a years rent of the pack hous and pack hous yeard	500	0	0
Item, a years rent of the hacksters stands	10	0	0
Item, a years rent of the viccaradge	60	0	0
Item, a years rent of the flesh shambles	120	0	0
Item, the few duty of the Balgayes salmond fishing	4	0	0
Item, the few duty of the booth under the tolbooth and behind it	40	0	0
Item, the few duty of Mr. Auchinleks yeard	8	0	0
Item, a years few rent of Androw Nicolls hous at the east port	8	0	0
Item, payed yearly to the toun for the head rowmes	5	12	0
Item, the pettie impost of wyne	50	0	0
Item, a years rent of the lands of Logie	457	18	0
Item, a few duty out of David Scot in Balhungie his shop	1	10	0

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Discharge.

	LIB.	S.	D.
Imprimis, resting be the toun of Dundie to severall persons by bond, the sowme of 38,253 li., which payes of annual rent yearly...	2,295	3	8
Payed to the laird of Fentrie of few duty yearly	100	0	0
Payed to the parson for his house rent	100	0	0
To the towns two stipendarie ministers	1,566	13	4
To the clerk deput, advocat, his servant, postmaster of Edinburgh, and other officers	286	0	0
To the master of the grammar school his two doctors and janitor	366	13	4
To the knocksmith of fie	91	0	0
To the precentor	20	0	0
To St. Leonards colledge for tuo bursars	144	0	0
To the gild officer, toun officers, drumer, pyper, and ther cloathes	587	0	0
To the hospitalls maister for the grass above and beneath St. Francis well	42	6	8
To the kirk theasaurer for a years rent of a booth	24	0	0
To a few duty to the poor out of the grammar schooll	2	13	0
To a few duty to the laird of Lundie 5 lib. and to John Peirsons airs 2 lib. 10s., inde	7	10	0
To eique monie	147	0	0
To the writing master	133	6	8
To a ground anwall out of the castell milns	13	6	8
Item, commissioners expences to the generall convention of borrows yeirly	120	0	0
Item, of borrow dewes the last year	251	12	0
Item, commissioners expences to the particular convention of borrows			
Item, commissionars expences to the parliament			
Item, for maintaining the honour of the good town in waiting on noblemen and others in whom the burgh is concerned ...	1,200	0	0
Item, to a few duty out of the touns milns to the Earle of Lauderdaile	66	13	4

This above accompt, being the chairge of the comon good of the said toun and the other padge being ther dischairge, is the just and trew accompt of the condition of the said burgh, given up by the magistrats and town clark upon oath to the visitors appointed by the royall borrowes for that effect, and is subscribit by the saids magistrats and clerk day and place forsaid; and the magistrats doe declaire that the brewars haveing considered the low condition of the burgh and the increasing of ther debts by reasone of the extraordinarie emergents, the brewars have in October last granted a voluntarie contributione and impositione to be payed be them to the toun of ten shillings Scots upon each boll of malt for support of the burgh which is only to continow dureing the brewars pleasours. *Sic subscribitur:* JA. FLETCHER, provost; JOHN SCOT, baillie; PATRICK YEAMAN, baillie; WILLIAM WATSONE, baillie; JA. WEDDERBURN.

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Ane accompt of the masters of ships names and ther burden of ther veshells belonging to the burgh of Dundie.

	TUNNS.	VALUE.		TUNNS.	VALUE.
Alexander Wedderburne, his ship	200	800	Robert Rankine, his new ship ...	50	120
John Marr, his ship	100	400	The old bark belonging to him...	30	80
Thomas Abercrombie, his ship ...	90	300	James Burgh, his ship	60	100
Androw Smitton, his ship	80	200	David Machan, his ship.....	35	50
John Reid, his ship	60	150	Patrick Gray, his ship	30	50
David Ramsay, his ship	60	50	Thomas Ross, his bark	24	40
William Fairweather, his ship ...	50	150	William Lyell, his bark.....	24	50
William Donaldsone, his ship.....	40	50	George Patersone, his bark	16	30
William Watt, his ship	50	100	John Ramsay, his bark	10	20
Alexander Duncan, his ship	36	80	William Buck, his bark.....	10	20
John Donaldsone, his ship	36	80			

Note of burghs of barronie and regality to the burgh of Dundie.

	LIB.	S.	D.
Imprimis, the Hill of Dundie trads to the value of	10,000	0	0
Item, the Ferrie Partancraigs, in passage boats, shiping and trade	20,000	0	0
Item, the towne of North Ferrie	4,000	0	0
Item, Munyfuith, Barrie, and Panbryd	6,000	0	0
Item, Glamous trades to the value of	2,000	0	0
Item, Kerremure trades to the value of	10,000	0	0
Item, Alyth trades to the value of	15,000	0	0
Coupar of Angus trades to the value of	20,000	0	0
Miglie and Newtyle.....	2,000	0	0
Forgan and Ballegerno	3,000	0	0
Erroll.....	8,000	0	0

Note of the touns losses.

At law with my Lord Lauderdale for 7 years	20,000	0	0
For building and rebuilding the bulworks of the toun.....	20,333	6	8
Item, for cutting the loch of Lundy for water to the milns.....	333	6	8
James Davis ship and loadening lost at sea to the value of.....	5,000	0	0
Robert Rankine ship, called the Concord, and goodes to the value of	20,000	0	0
Ane other ship and goodes belonging to the said Robert lost sex years thereafter	15,000	0	0
Item, another ship of his strandit at Aberdeen lost	4,000	0	0
Thomas Patersone ship and goods lost, valued at	6,000	0	0
George Adamsons ship lost	4,000	0	0
Alexander Wedderburns ship with a burdean and loading	5,000	0	0

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	LIB.	S.	D.
John Frasers [ship] and goodes lost to the value of	6,000	0	0
William Watts crear	4,000	0	0
Robert Smith loadened from the Lewes	2,000	0	0

Accompt of expences be the toun in fortifieing the same.

Imprimis, debursed be James Bonar, theasaurer, per accounts and precepts	3,092	19	5
Item, to William Dumbar for express	68	19	0
Item, payed to him by James Lyon for express	104	0	0
Item, to bailly Blair for powder	165	0	0
Item, for 16 muskets to Robert Watsone	46	8	0
Item, for candle to guards	166	4	2
Item, for dressing the touns armes	66	13	4
Item, to John Robertson for 20 fyrelocks at 6 lib. per peice	120	0	0
Item, to Mr. Hugh Safely for attending the gunns	29	0	0
Item, to measons for repairing the tolbooth and ports	439	0	0
To Thomas Doig for a pair of wheells to the great guns	19	0	0
To John Wardroper for oil to the carriadges	8	4	0
To John Ferrier for lead as per accompt	6	19	0
To severall other persons for small necessars for the gunns	7	17	0
For powder to severall persons	42	18	0
To James Yeaman and John Reid for powder	42	10	0
For maintaineing some wounded men after Ranrory	37	4	0
Paid at London for powder, ball, match, and shools, 68 lib. 5s. 7d. sterling	819	7	0
To Joseph Smitoun for ther fraught from London	57	13	4
To John Reid for timber and others paid by James Lyone	95	10	0
Paid by Androw Smitoun for the guards express and fortificationes	866	4	0
To bailly Scrymsour for ball	25	0	0
For the provost and Baillie Douncan, ther express in going to London in January 1689, for presenting the greivances of the burgh to his Majestie	1,626	0	0

NOTE.—After the date of this Return it will be seen that the Town acquired the Hilltown Barony and the Lands of Dudhope, and various others, by the transaction with the Earl of LAUDERDALE, and confirmed and conveyed by the Charter of WILLIAM THE THIRD in July 1697. (See page 114.)

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EXCERPT FROM MINUTES OF

GENERAL MEETING OF THE CONVENTION OF ROYAL BURGHS,

Held at Dundee, 5th July, 1692.

THE LORD PROVOST OF DUNDEE, *Preses.*

Edinburgh, MICHAELL ALLAN, dean of gild, and ROBERT INGLIS, goldsmith; Perth, GEORGE OLIPHANT; Dundie, THOMAS MUDIE; Aberdeen, PATRICK GELLIE; Stirling, JOHN DICK; Linlithgow, WILLIAM HIGGENS; St. Andrews, JAMES SMITH; Glasgow, JOHN LECKIE; Air, JOHN MOOR; Haddingtoun, Mr. JAMES LAWDER; Dysart, ALEXANDER SWYNTOUN; Kirkcaldie, JAMES LUNDIE; Montross, Mr. ROBERT TAYLZEOR; Couper, ANDREW GLASFOORD; Dumfreis, ROBERT JOHNSTOUN; Inverness, ALEXANDER DUFF; Bruntjsland, JOHN BROUNE; Innerkeithing, ALEXANDER SPITTELL; Kinghorn, ROBERT BRUCE; Brichen, ALEXANDER YOUNG; Irving, Mr. ALEXANDER CUNINGHAM; Jedburgh, THOMAS PORTEOUS; Kirkcudbright, JOHN EWART; Wigtoun, WILLIAM COLTRAN; Pittenweem, GEORGE SMITH; Dumfermling, WILLIAM WACKER; Selkirk, JAMES MITCHELHILL; Dumbartoun, Mr. JAMES SMOLLET; Rhenfrew, PETER PATERSON; Dunbar, ROBERT KELLIE; Lanerk, ROBERT HUNTAR; Aberbrothock, WILLIAM AUCHTERLONIE; Elgin, JAMES STEWART; Peibles, JOHN TWEEDIE; Carraill, GEORGE MONCREIFF; Tayn, ALEXANDER Ross; Bamff, ALEXANDER LESLY; Whythorn, JOHN M'CANDLISH; Forfar, JOHN CARNEGIE; Rothesay, JAMES KELBURN; Nairn, HUGH Ross; Forres, JOHN BRODIE, elder; Rutherglen, JOHN SCOTT; Cullen, JOHN OGILVIE; Lawder, DAVID MAITLAND; Kilrennie, THOMAS PEACOK; Dingwall, DONALD DINGWALL; Quensferrie, THOMAS GOURLEY; Forterose, THOMAS FORBES; Innerurie, JOHN ANDERSON; Kirkwall, HUGH CRAIGIE; Stanraer, PATRICK PATERSON. (Thirteen burghs *absent*).

JAMES FLETCHER, lord provost of Dundie, elected preses.

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INVENTORY.
BRANCH III. (Hospital)
CHARTER CHEST, Box 14.

N.° 36.

The Antient Seal of the Burgh of Dundee as affixed to a Charter in favor of the Chaplainrie of St Salvator 21st March 1555.

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260 B

Seal of the Burgh of Dundee
under warrant 1673.

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INVENTORY
BRANCH III (Hospital)
CHARTER CHEST. BOX 14.
No 9.

Seal of John Bishop of Brechin, taken from Charter him, dated 14th December, 1481 confirming a Charter by Margaret ruthachan to Malcolm Guthrie of Kyngenny and Marjory is Spouse.

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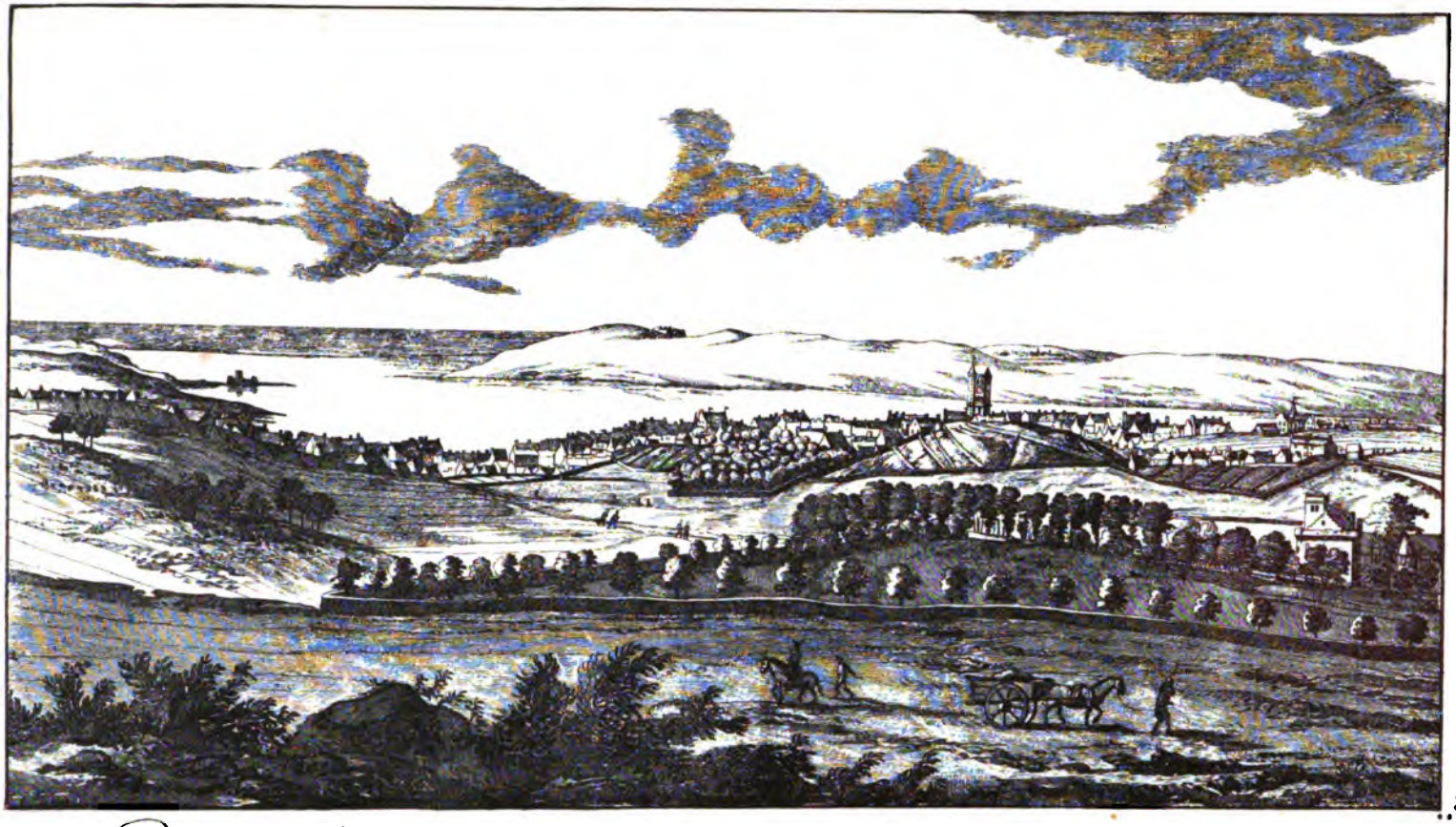

Prospectus Civitatis TAODUNI. *The Prospect of ye Town of* DUNDEE.

This Plate is most humbly Inscribd to Thomas Paterson Esqr

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Prospectus Civitatis TAODUNI ab Oriente. The Prospect of ye Town of DUNDEE from ye East.

This plate is most humbly Inscribed to ye Honble Coll William Ker Collonel of Her Royal Highness the Princess of Wales's Regiment of Dragoons & one of ye Grooms of the Bed Chamber to His Majestie

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PLAN OF THE
BURGH OF DUNDEE
SHEWING THE WARDS
INTO WHICH THE BURGH IS DIVIDED.

PREPARED BY WILLIAM ALEXANDER
TOWN ARCHITECT, DUNDEE.

1877.

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NOTE.

MUNICIPAL BOUNDARY .....

PARLIAMENTARY BOUNDARY .....

WARD BOUNDARY .....

ANCIENT ROYALTY .....

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APPENDIX.

INVENTORY OF CHARTERS, WRITS,

AND

PUBLIC DOCUMENTS.

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INVENTORY

OF

Charters, Writs, & Public Documents of the Burgh of Dundee, And the Hospital and Johnston's Charity,

IN THE TOWN REPOSITORIES,

1879.

Branch I.—Town's Charters and Writs.

Town's Charter Chest, Box 1.

No. 1. Authentic Copy (taken from the *Rotuli Scotiæ*) of a Writ by King Edward I. of England, designing himself Superior of Scotland, addressed to the Governor, to deliver up the Castle of Dundee to King John Baliol, dated 18th November, 1292.

2. Authentic Copy (taken from same) of an Order by King Edward II. of England, to the Sheriff of Lincolnshire, ordering Provisions and Wine to be sent to the Castle of Dundee, dated 12th May, 1309.

3. Authentic Copy (taken from same) of an Order by King Edward II. of England, ordering the Town of Dundee to be held out against the Scots, dated 15th December, 1309.

4. Authentic Copy (taken from same) of a Mandate by King Edward II. of England, ordering the Town to be defended, dated 9th October, 1311.

5. Authentic Copy (taken from same) of a Letter by King Edward II. of England, returning thanks to the Governor for defending the Town, dated 3rd February, 1311-12.

6. Authentic Copy (taken from same) of a Writ by King Edward II. of England, ordering the Treaty entered into with the Scots for surrendering the Town to be broken off, dated 2nd March, 1311-12.

7. Authentic Copy (taken from same) of a Letter by King Edward II. of England to the Bishop of St. Andrews, requesting him safely to conduct a Messenger to Dundee, dated 21st March, 1311-12.

8. Authentic Copy (taken from same) of Writ, ordering the Governor to defend the Town, dated 21st March, 1311-1312.

9. Authentic Copy (taken from same) of a Letter by King Edward II. of England to the Mayor, Bailies, and Community of Dundee, respecting the defence of the Town, dated 21st March, 1311-12.

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Town's Charter Chest, Box 1.

No. 10. Authentic Copy (taken from same) of the Commissions by King EDWARD II. of England, appointing Governors of the Town, dated 21st March, 1311–12.

11. Authentic Copy (taken from same) of an Order by King EDWARD II. of England, ordering the Mayors and Bailiffs of Newcastle and Berwick, and others, to provide Ships to be sent for the defence of Dundee, dated 21st March, 1311–12.

12. Authentic Copy (taken from same) of a Writ by King EDWARD II. of England, returning thanks to HUGH LOVEL, and others, for the defence of the Town, dated 21st March, 1311–12.

13. Old Copy of a Charter by ROBERT I. to NICOL SKRIMESCHOUR of the office of Constable of Dundee, and a grant of certain Lands in Dundee which belonged to "Lord de BALLIOL," dated 10th February, 1317–18.

14. Commission by King ROBERT I. for making recognition of the Liberties of the Burgesses of Dundee, dated 22nd June, 1325.

14A. Return of Commission, after taking evidence, acknowledging the Ancient Liberties of Dundee, 25th June, 1325.

15. Original Charter by ROBERT I. to the Burgesses of Dundee of a piece of ground on which to build a Tolbooth, dated 20th October, 1325. *(This Charter is much decayed).*

16. Original Charter by King ROBERT THE BRUCE to the Burgesses of Dundee of the rights and liberties which they had and possessed as in the time of WILLIAM, King of Scots, and before he conferred the said Burgh on Earl DAVID, his brother; and also of the liberties, customs, free port, market place, and fairs as possessed by them in the time of ALEXANDER, King of Scots, following on the Report of the Commission of Enquiry, dated 4th March, 1327.

17. Charter by King DAVID II. to the Burgesses of Dundee of the Burgh and diverse privileges, dated 20th January, 1359–60.

18. Charter by King DAVID II. to the Burgesses of Dundee of a piece of ground for building upon, dated 12th May, 1363.

19. Attested Copy Charter by King DAVID II. to the Burgesses of Scotland of the privileges of buying and selling, &c., dated 28th March, 1364.

20. Authentic Copy (taken from the Register of the Great Seal) of Charter by King DAVID II. allowing the Merchants of Brechin to navigate in the Tay, notwithstanding the privileges of Dundee, dated 4th April, 1370.

21. Copy (taken from same) of Charter by King DAVID II. to the Inhabitants of Brechin and Montrose, giving them the freedom of navigation within the waters of South Esk and Tay, dated 4th April, 1370.

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Town's Charter Chest, Box 1.

No. 22. Awards (Two) by the Duke of ALBANY, in the dispute betwixt Perth and Dundee respecting their rights over the Tay, dated 19th May, 1402.

23. General Discharge by the Duchess of ROTHESAY to the Burgesses of Dundee, dated 12th May, 1414.

24. Papal Decree, in favour of the Town of Dundee against the Bishop of Brechin, respecting the Confirmation of Testaments, dated in 1423. *(The day and month are faded).*

25. Note of Bond by the Town of Dundee to King HENRY VI. of England for the ransom of King JAMES I., dated 20th February, 1423–4.

26. Bond of Relief by King JAMES I. to the Town of Dundee of the above Bond by the Town for his ransom of 50,000 merks, payable to the King of England, dated 26th March, 1424.

27. Report to King JAMES I. by the Commission on the dispute between the Towns of Dundee and Montrose regarding their privileges, debated in the Parliament held on the 10th March, 1431–2, and concerning the privileges of Forfar, Arbroath, and Brechin.

28. Indenture betwixt the Abbey of Lindores and the Town of Dundee, whereby the Town became bound to uphold and repair the choir, walls, roof, &c., of the Parish Church, and in return the Abbot gave up to the Town sundry annual rents from properties specified in the Deed—(No. 29A, a Translation thereof), dated 10th March, 1442–3.

NOTE.—This Deed appears to have given rise to the Kirk Fabrick.

29. Charter of Confirmation of this Indenture by the Bishop and Chapter of St. Andrews, dated 3rd and 4th May, 1443.

30. Letters Patent by King JAMES II., granting duties for Improving the Harbour, dated 10th March, 1447.

31. Notarial Copy of Charter by King JAMES II., exempting Burgesses of Dundee from payment of certain customs, dated 12th January, 1451–2.

32. Instrument of Protest, dated 31st January, 1451–2, for the Town of Dundee, against a Charter by King JAMES II., to the Bishop and City of Brechin, dated 1st September, 1451, and Letters by the King for proclaiming the Charter, dated 12th January, 1451–2.

33. Notarial Transumpt, dated 16th August, 1458, of the Warrand by the King, summoning the Burghs of Dundee and Montrose to appear before the Parliament to have the disputes as to their privileges decided, dated 20th January, 1458.

34. Grant by King JAMES II. of the Thirlage of the Inhabitants to the Town's Mills, and that all grain carried away to other places shall pay multures to the Burgh as if the same had been ground there, dated 31st August, 1458.

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Town's Charter Chest, Box 1.

No. 35. Charter by King JAMES II. to the Town of Dundee of a Fair to be held on the 13th of November, dated 31st August, 1458.

36. Ratification by King JAMES II. of the Acts of Continuation in the Process between the Towns of Dundee and Montrose, dated 5th October, 1458.

37. Charter by King JAMES II., containing the Judgment and Deciding in the Process betwixt the Towns of Dundee and Montrose, dated 12th October, 1458.

38. Protest for the Town of Dundee against a Summons to appear before Parliament, at the instance of the Town of Forfar respecting its privileges, dated 3rd February, 1460–1.

39. Protest made before Parliament—the Town of Dundee against the Town of Montrose for again bringing their privilege in dispute, dated 2nd March, 1460–1.

40. Indenture betwixt the Towns of Dundee and Montrose respecting their respective privileges of buying and selling merchandize in the County of Forfar, dated 9th November, 1462.

There was another Indenture executed, of the same date, which is not now extant, but which is engrossed in the Agreement after-mentioned, No. 69.

41. Protest—the Town of Dundee against the Town of Forfar respecting their privileges, dated 26th May, 1463.

42. Charter by King JAMES IV., changing the Fair granted in No. 35 to the Feast of ST. CLEMENT in November, dated 20th October, 1491.

43. Indenture betwixt the Magistrates and Council and GEORGE SPALDING respecting certain Articles given by him to the Parish Church, dated 6th September, 1495.

44. Remission by King JAMES IV. to Town of Dundee "for taking of ane keling," called Assise Keling, from the Constable of Dundee, dated 1st April, 1508.

45. Charter by King JAMES IV., dated 19th March, 1511–12, confirming the following Writs therein verbatim inserted :—

(1.) Decree betwixt the Town and Constable of Dundee respecting a water-course or aqueduct, dated 21st September, 1409.

(2.) Charter by King JAMES II., dated 2nd September, 1458, ratifying Indenture therein inserted betwixt JAMES SKRYMGEOUR, the King's Standard-Bearer and Constable of Dundee, and the Town, respecting the Constable Jurisdiction, dated 13th August, 1384.

And (3.) Charter by King JAMES II., deciding the disputes between Dundee and Montrose.

46. Charter by King JAMES IV., dated 19th March, 1511–12, ratifying the ancient Charters of the Town by King ROBERT I. and King DAVID II., including the following Charters therein engrossed :—

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Town's Charter Chest, Box 1.

(1.) The Commission by King ROBERT I. above-mentioned (No. 14A).

(2.) Recognition of the Liberties of the Burgesses, made in pursuance of the Commission, dated 25th June, 1325.

(3.) The Charter by King ROBERT I. above-mentioned (No. 16).

(4.) The Charter by King DAVID II. above-mentioned (No. 17).

(5.) Edict by King DAVID II., prohibiting Markets to be held at Coupar, Kettins, Alyth, Kirriemuir, &c., dated 5th March, 1351–2.

No. 47. Remission by King JAMES IV. to the Town of Dundee of all transgressions respecting Weights and Measures, &c., dated 20th March, 1511–12.

48. Indenture betwixt the Town of Dundee and GEORGE BOISS, Mason, hiring him for the Town's Works, dated 23rd March, 1536–7.

49. Old Copy of Letters by Queen MARY, dispensing with the Burgesses of Scotland serving in the Army then assembled for defence of the Kingdom, dated 19th November, 1544.

50. Precept, containing Warrant for a Remission to the Inhabitants of Dundee for abiding away from the Queen's Armies, dated 8th February, 1545–6.

51. Letter by Queen MARY, under the Signet, respecting the Fine imposed on the Inhabitants of Dundee for abiding away from the Army, dated 10th February, 1545–6.

52. Remission by Queen MARY to the Inhabitants of Dundee for abiding away from the Army, dated February, 1545–6.

53. Warrant by the Earl of ARRAN, Governor of Scotland, permitting the Inhabitants of Dundee to be absent from the Army, dated 10th April, 1550.

54. Decree of the Justiciary Depute acquitting a great number of the Inhabitants of Dundee of the accusations made against them for assisting the English, destroying monasteries, &c., dated 8th March, 1552–3.

55. Charter by Queen MARY, dated 20th June, 1553, confirming the above-mentioned Charter of King JAMES II. (No. 31), exempting the Burgesses of Dundee from payment of certain customs.

56. Protest by ALEXANDER CARNEGIE on behalf of the Trades, respecting sending the Common Seal of the Burgh to Edinburgh, dated 6th April, 1554.

57. Gift of the Office of Town Clerk, by the Magistrates, Council, Deacons of Crafts, and Community, in favour of ALEXANDER WEDDERBURN, dated 6th February, 1556–7.

58. Ratification by Queen MARY, dated 4th March, 1556–7, of a Transumpt therein inserted by the Court of Session, dated 24th July, 1542, of Letters by King JAMES V., exempting the Inhabitants of Dundee from serving on Juries beyond the Town, dated 20th October, 1526.

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No. 59. Decree by the Queen Regent between the Town and Constable respecting a man who was imprisoned by the Magistrates, and set at liberty by the Constable, dated 20th September, 1556.

60. License, signed by Queen MARY, changing the Burying Ground from the Church Yard to the place and yards of the Grey Cordelier Friars (the Howff), and granting these yards for burial ground, dated 11th September, 1564.

61. Act of Council and Protest by the Trades, respecting a Taxation laid upon the Town, dated 16th September, 1572.

62. Grant of Shoredues by King JAMES VI. for repairing the Harbour, dated 20th June, 1574.

63. Letters, under the Signet, for enforcing payment of the above Shoredues, dated 24th June, 1574.

64. Gift by King JAMES VI. continuing the Grant of Shoredues, dated 30th August, 1577.

65. Extract Act of Parliament, referring the question between the Towns of Perth and Dundee as to precedence to the Convention of Burghs, dated 29th November, 1581.

66. Commission of Justiciary by King JAMES VI. to the Magistrates of Dundee for trying a person accused of Incest, dated 23rd December, 1583.

67. Commission by the Town of Montrose to some of its Magistrates for renewing the old Agreements betwixt Dundee and Montrose, dated 14th March, 1586–7.

68. Another Commission by the Town of Montrose for the same purpose, and of the same date.

69. Agreement between the Towns of Dundee and Montrose, dated 16th March, 1586–7, respecting their privileges, and ratifying two former Agreements between them therein inserted, which were dated 9th November, 1462—the latter of which is the one above-mentioned, No. 40—Agreement dated 16th March, 1586–7.

70. Commission of Justiciary by JAMES VI. to the Magistrates of Dundee for trying the Maltmen for selling ale at too high a price, dated 27th July, 1588.

71. Signature or Charter, bearing the signature of JAMES VI., ordaining a Grant to be expede in favour of the Town of Dundee of Shoredues for repairing the Harbour, dated 158—. *(The rest of the date is left blank).*

72. Charter by Sir JAMES SCRIMGEOUR of Dudhope to the Town of Dundee of a third part of the Meadows, dated 27th August, 1591.

72A. Act of Council respecting the Admission of Burgesses, dated 19th January, 1590–1.

73. Extract of Discharge by King JAMES VI. to the Town of Dundee for £20,000 Scots, dated 16th May, 1594, and recorded in the Books of the Privy Council, 19th June, 1594.

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No. 74. Extract Act of Parliament ratifying this Discharge, dated 8th June, 1594.

75. Charter of Confirmation and Novodamus by JAMES VI. to the Town of Dundee, dated 16th January, 1601.

This Charter confirms the following Writs, which are therein narrated :—

(1.) The Charter by King JAMES IV. above-mentioned (No. 46).

(2.) Charter by ROBERT II. to PATRICK DE INVERPEFFIR of a third part of the Lands of Craigie, dated in May, 1378, with the Mortification thereof subsequently made by him.

(3.) The Charter by King JAMES II. mentioned in the Charter No. 45—JAMES IV.

(4.) Letter by King JAMES IV., dated 16th October, 1510, ratifying an Act made by the Magistrates and Community on 6th October, 1510, for uplifting Petty Customs.

(5.) Charter by Queen MARY, dated 15th April, 1567.

76. Precept of Sasine following on this Charter, dated 16th January, 1601.

77–78. Instruments of Sasine taken thereon, dated 2nd June, 1601.

79. Decree by King JAMES VI. and the Lords of Session, deciding the dispute between the Towns of Perth and Dundee respecting their privileges on the Tay, and the precedence, dated 30th December, 1602.

80. Letters of Arrestment, under the Signet, at the instance of the Collector of the Masters and Seamen, for the duties payable to them, dated 16th June, 1609.

81. Extract Act of the Convention of Burghs respecting Stablers and Horse-Hirers, dated 4th June, 1611.

82. Extract Act of Privy Council, prorogating the Grant of Shore Dues for repairing the Harbour for 19 years, dated 27th February, 1612.

83. Extract Contract between the Lord Treasurer-Depute and the Town of Dundee, letting to the Town His Majesty's Excise upon Wine, dated 1614, and recorded in the Books of Exchequer, 27th July, 1614.

84. Extract Obligation by the Shipmasters of Dundee for the payment of their dues to the Boxmaster of the Seamen, dated 4th October, and recorded in the Books of Council and Session, 21st December, 1621.

85. Extract Decree of Privy Council, ordaining the Sheriff of Forfarshire to hold his Courts at Forfar and not at Dundee, dated 3rd November, 1625.

86. Act of Council respecting the Admission of Burgesses, dated 30th October, 1627.

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No. 87. Old Copy of a Letter by King CHARLES I. to the Privy Council respecting the Petition of the Masons and Wrights of Dundee to be allowed to choose a Deacon, dated 16th February, 1629.

88. Extract Act of Privy Council, referring the Masons and Wrights of Dundee for power to choose a Deacon to the Convention of Burghs, dated 15th April, 1629.

89. Extract Act of Convention of Burghs, declaring that the Mason and Wright Trades have no power of choosing Deacons or holding Meetings, dated 10th July, 1629.

90. Extract Decree of Privy Council, obtained at the instance of the Sheriff of Forfarshire, against the Town of Forfar, on 31st March, 1631, suspending the Decree above mentioned appointing the Sheriff to hold his Courts at Forfar.

91. Extract Decree of Privy Council, respecting the Petty Customs on Grain, dated 26th September, 1633.

92. Extract Commission by the Duke of LENNOX, Lord High Admiral of Scotland, appointing the Magistrates of Dundee Admirals-Depute of the Tay within the Town and Harbour of Dundee, and from Broughty Ferry and Ferry-Port-on-Craig to Perth, dated 21st August, 1641, and recorded in the Books of the High Court of Admiralty, 16th March, 1642.

93. Charter of Confirmation and Novodamus by CHARLES I. to the Town of Dundee, dated 14th September, 1641, with a printed Copy and printed Translation thereof.

This Charter confirms the following therein narrated :—

(1.) Commission by King ROBERT I. above mentioned (No. 14).

(2.) Recognition noticed under No. 46–(2).

(3.) Charter by King ROBERT I. (No. 16).

(4.) Charter by King DAVID II. (No. 17).

(5.) Edict by King DAVID II., noticed under No. 46–(5).

(6.) Charter by King JAMES IV. (No. 46).

(7.) Charter by King JAMES VI. (No. 75).

NOTE.—There are also a Translation of the Charter, and one written copy, and three printed copies in Latin.

94. Extract Act of the Lords of Exchequer, respecting the Viscount of DUDHOPE's Signature for erecting the Hillton into a Burgh of Barony, dated 30th August, 1643.

95. Attested Copy of the Articles of Agreement between the Viscount of DUDHOPE and the Town of Dundee as to their respective rights and jurisdictions, dated 12th October, 1643.

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No. 96. Draft of a Contract between the said parties upon this Agreement, dated 31st October, 1699.

97. Letters of Horning, at the instance of the Master of the Seamen, for payment of their dues, dated 23rd February, 1644.

98. Extract Act of Parliament, granting a sum of money to the Town of Dundee for making up its losses, dated 26th March, 1647.

99. Order by the Committee of Estates for fortifying the Town of Dundee, dated 11th September, 1650.

100. Act by the Committee of Estates, respecting the Levy of Men from the Town of Dundee, dated 4th July, 1651.

101. Order by General MONCK, under the Seal of the Commonwealth, for demolishing the fortifications of the Town of Dundee, dated 14th November, 1659.

102. Memorandum for the Town of Dundee, as to procuring a Parliamentary Ratification of its Charters, dated 14th March, 1661.

103. Extract Act of Lords of Exchequer in favour of the Towns of Dundee, Perth, &c., for allowance to them from their Eques for relief of their Poor, dated 10th August, 1663.

104. Extract Decree of the Court of Session—The Town of Dundee against the Commissioners of Supply for Forfarshire, finding the Town's Lands and Fishings not liable in payment of County Cess, dated 7th February, 1668.

105. Extract Decree of the Court of Session—The Magistrates of Dundee against WALTER GRAHAM of Duntrune for Vicarage Teinds, and preferring them therefore to the Ministers of Dundee, dated 30th July, 1668.

106. Extract Act of Parliament granting two Fairs to the Town, one to be held on the first Tuesday of July, and the other on the first Tuesday of October, dated 23rd December, 1669.

107. Extract Act of Parliament recommending a Voluntary Contribution to be made through the Kingdom for the relief of the Town of Dundee, dated 23rd December, 1669.

108. Extract Act of Parliament granting to the Town a duty on Wine for five years, dated 23rd December, 1669.

109. Extract Act of Privy Council, declaring the Burgage Properties in the Town of Dundee liable in the expenses for repairing the Highways and Bridges in the County, dated 14th December, 1671.

110. Certificate of the Lord Lyon King of Arms of the Armorial Bearings of the Burgh of Dundee, dated 30th July, 1673.

111. Copy Agreement between the Royal Burghs of Scotland and the Town of Campvere in Holland respecting the Staple Port, dated April, 1675.

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No. 112. Extract Decree of the Court of Session in the Processes between the Town of Dundee and JOHN WEDDERBURN of Blackness respecting the Magdalen Yard, dated 19th January, 1678, and fixing the rights of the community in the Magdalen Green.

113. Extract Act of Privy Council referring the dispute between CHARLES MAITLAND of Hatton, Lord Treasurer-Depute, and the Town of Dundee, as to the Patronage of the two Stipendiary Ministers, to the decision of the Court of Session, dated 15th March, 1681.

114. Summons of Reduction—the Town of Dundee against JOHN WEDDERBURN of Blackness, of the above Decree respecting the Magdalen Yard (No. 112), dated 22nd December, 1681.

115. Copy Charter by King CHARLES II. to Colonel JOHN GRAHAM of Claverhouse of the Lands of Dudhope and Office of Constable and first Magistrate of Dundee, dated 23rd April, 1684.

116. Protest—The Town of Dundee against this Charter, dated 14th May, 1684.

117. Extract Letter from King JAMES VII. to the Privy Council, appointing the Constable of Dundee first Magistrate thereof, dated 19th March, 1686, with Act of Privy Council thereon, dated 17th June, 1686.

118. Extract Act of Privy Council nominating the Magistrates, Council, and Deacons of Crafts of Dundee, dated 25th November, 1686.

119. Printed Copy of Act of Privy Council in favour of the Masters and Seamen of Dundee for erecting Lights at the mouth of the Tay, dated 24th February, 1687.

120. Grant by King JAMES VII. of a duty of Four pennies Scots on each pint of Ale and Beer, and £40 Scots on each tun of Wine for 19 years, under the burden of a yearly payment to General GRAHAM of Claverhouse, with Seal attached, dated 12th February, 1687.

121. Extract Act of Privy Council in favour of the Seamen Fraternity respecting recovering the duties payable to them, dated 15th December, 1691.

122. Extract Act of Parliament for a Fair to be held in Dundee on the first Tuesday of June, dated 31st August, 1698.

123. Extract Decree of the High Court of Admiralty ordaining all Merchants, Shipmasters, &c., trading at the Port of Dundee to make payment to the Seamen Fraternity of their dues, dated 31st October, 1699.

124. Summons of Declarator and Thirlage—the Town of Dundee against the Brewers thereof, and others, dated 9th April, 1705, with four Papers relating to the disputes with Brewers as to the duty on Malt.

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No. 125. Extract Act of Parliament in favour of the Town, granting the duty of Two pennies Scots on the pint of Ale and Beer for 24 years after its date, which is 25th March, 1707.

126. Extract Sett of Election of the Magistrates and Council of the Burgh of Dundee as returned to the Convention of Burghs in 1709.

127. Another Extract Sett of Election of Do.

128. Extract Act of Convention of Burghs granting £50 to the Town of Dundee, dated 5th July, 1711.

129. Act and Warrant of the King and Privy Council for a Poll election of the Magistrates and Town Council of Dundee, dated 10th March, 1715–16.

130. Act of the King and Privy Council approving of the Poll Election of the Magistrates and Town Council, dated 6th July, 1716.

131. Extract Act of the Town Council depriving ALEXANDER WEDDERBURN, Town Clerk, of his office for being concerned in the Rebellion, dated 9th August, 1716.

132. Proof led against ALEXANDER WEDDERBURN, Town Clerk, of his accession to the Rebellion, dated 9th April, 1717.

133. Extract Decreet of Declarator of the Court of Session—The Town Council against ALEXANDER WEDDERBURN, late Town Clerk—finding that he was legally deprived of his office, and that GEORGE DUNCAN was legally appointed thereto in his place, dated 28th December, 1717.

134. Extract Decreet of the Court of Session ordaining ALEXANDER WEDDERBURN, late Town Clerk, to deliver up the Town's Records in his possession, dated 25th February, 1718.

135. Contract between the Town and the Proprietors of Craigie, Logie, &c., respecting a Tack of the Town's Dung, dated 13th, 14th, and 21st November, 1721.

136. Proclamation of King GEORGE II.'s Accession to the Throne made at Dundee on 22nd June, 1727.

137. Copy Act of Parliament, 4 GEO. II., continuing the duty of Two pennies on the Pint, &c., for 25 years after 25th March, 1731.

138. Copy Act of Parliament, 20 GEO. II., continuing the same duty for 25 years after 25th March, 1756.

139. Extract Decreet of Declarator pronounced by the Court of Session on 13th February, 1766, in the Processes between the Magistrates and Council and Nine Trades as to their respective privileges.

140. Note respecting Decreet Arbitral in submission between the Town and JAMES GUTHRIE of Craigie, respecting Stob's Muir, Oliver's Croft, Roodyards, &c., registered in the Books of Council and Session on 25th June, 1766.

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No. 141. Copy Act of Parliament, 16 Geo. III., continuing the duty of Two pennies on the Pint, &c., for 25 years from 25th March, 1781.

142. Extract Decree of the Teind Court—the Magistrates of Dundee against the Officers of State, and others—declaring the Cross and Steeple Churches to have been duly established, dated 23rd July, 1788.

143. Agreement between the Town's Ministers, dividing the Town into Districts, dated 15th September, 1788.

144. Commission by Lord Douglas, Lord-Lieutenant of Forfarshire, appointing the Provost of Dundee for the time being a Deputy-Lieutenant, dated 18th April, 1796, with a relative Letter from his Lordship to the Provost of the same date.

145. Printed Copy of Act of Parliament, 42 Geo. III., continuing the duty of Two pennies, &c., for 25 years after 25th March, 1806.

146. Printed Copy of Act of Parliament, 55 Geo. III., Cap. xcvii. (Local), for improving the Harbour of Dundee, passed on 4th July, 1815.

147. Certified Plan of the Improvements referred to in the Act No. 146.

148. Extract Discharge by the Dean of Guild and his Assessors to the Magistrates and Council upon delivering up the Guildry's Funds and Papers, dated 26th and 27th November and 3rd December, 1817, and recorded in the Burgh Court Books, 18th October, 1819.

149. Extract Act of the Convention of Burghs altering the Sett of the Town of Dundee, dated 16th July, 1818.

150. Extract Act of the Convention of Burghs refusing the Petition of the Three United Trades and Seamen Fraternity against the Alteration of the Sett, dated 16th July, 1818, in respect the Petitioners had no interest in the political constitution of the Burgh.

151. Minute of a Deputation of the Town Council of Perth and of the Magistrates and Harbour Commissioners of Dundee respecting the Shoredues chargeable on Goods for Perth, dated 4th March, 1819, and Letter from the Provost of Perth thereon, dated 1st March, 1819.

152. Printed Copy of Act of Parliament, 59 Geo. III., Cap. ciii. (Local), passed on 14th June, 1819, for amending the Harbour Act, 55 Geo. III. (No. 146).

153. Plan referred to in the said Act as being deposited with the Town Clerk of Dundee.

154. Instrument of Interruption and Protest—The Magistrates and Council against the Proprietors and Tenants of Dudhope—as to the Town's right to the Law of Dundee, dated 7th, and recorded in the Register of Interruptions 22nd October, 1819.

155. Instrument of Intimation and Protest and Answers—The Magistrates and Council

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against the Proprietors of Dudhope—as to the Town's right to the Law, dated 7th December, 1819.

No. 156. Proclamation of King GEORGE IV.'s Accession, made at Dundee on 8th February, 1820.

157. Instrument of Protest—The Magistrates and Council against WILLIAM PATERSON, and others, for driving Carts, &c., upon the Magdalen Yard, dated 29th, 30th, and 31st May, 1820.

158. Letter, signed by CHARLES II., addressed to our trusty and well-beloved Mr. ALEXANDER WEDDERBURN, Clerk of the Town of Dundee, acknowledging the faithful services of the Clerk and the Town to the late CHARLES I., and promising a remembrance thereof, dated Brussells, 6th July, 1649.

159. Letter, signed by CHARLES II., desiring the Provost, Baylies, and Counsal of Dundee to reinstate Mr. WEDDERBURN as Town Clerk, dated at Perth, 17th January, 1651.

NOTE.—These Letters were found by Mr. SCRYMGEOUR WEDDERBURN of Birkhill in his Charter Chest, and were only sent to the Town Council a few years ago.

160. Order by the Duke of ARGYLL, General and Commander-in-Chief in North Britain, addressed to Mr. JOHN SCRYMGEOUR and three other Inhabitants, to act and take care of the affairs of the City until proper Magistrates can be appointed, dated 3rd February, 1716.

NOTE.—This document was only recovered by the Town Clerk in 1870.

161. Excerpt from Decree of Modification and Locality—The First Minister of Dundee against the Heritors. This Excerpt defines the principal portions of the Lands and Barony of Dudhope which belonged to the Town, as acquired from the Earl of LAUDERDALE and Sir ROBERT MILNE in 1697, and feued or sold by the Town to various parties,—among others, to The Kirk Fabric; The Kirk Session; Roger's Mortification; The Poor Widows' Mortification; GUTHRIE of Clepington; WEDDERBURN of Easter Clepington, and the lands of Caldrum Green (15 acres) and Middle Shade (21 acres); MAXWELL of Wester Clepington; the lands of Couldside to WILLIAM MORRISON; the high lands belonging to JAMES and ALEXANDER WRIGHT; 14 acres of the lands in Forebank and the Laigh Shed, in favour of the Seamen Fraternity and Sailors, and the feus to the Bonnetmaker Trade, and of Donaldsdale,—the Decree of Locality being dated 29th January, 1777.

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162. Act 54 GEO. III., Cap. 15 (4th April, 1811), entituled "An Act for widening and improving the Street called the Nethergate in the Burgh of Dundee and County of Forfar."

163. Act 6 GEO. IV., Cap. 183, entituled "An Act for opening certain Streets in the Burgh of Dundee, and for otherwise improving the said Burgh."—Union Street, the Meadows, Bleaching Green, &c. (22nd June, 1825).

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No. 164. Burgh Extension Act 1 & 2 WILL. IV., Cap. 46. The Burgh by decision of the Court of Session in March, 1830, was disfranchised, by reason of an illegality in an Election of Dean of Guild and Councillors, and to remedy the illegality an Act of Parliament was applied for, and it was passed on 23rd August, 1831 (1 & 2 WILL. IV., Cap. 46), entituled "An Act for extending the Royalty of the Burgh of Dundee, and for amending the Sett or Municipal Constitution of the said Burgh." By this Act the Royalty was greatly extended, and a new Sett for Election of Magistrates and Council enacted.

165. The Municipal Act 3 & 4 WILL. IV., Cap. 76, altered the provisions of the foregoing local Act as to the Election of Magistrates and Town Council, and this, with the subsequent amendments thereof, including the Ballot Act of 1868, form the rule for the Election of Magistrates and Council of the Burgh; while by the Local Act, titled "The Dundee Police and Improvement Act, 1871," the Burgh was re-divided into nine wards, and the number of Councillors increased to twenty-seven, besides the Dean of Guild, each ward having three Councillors, and by that Act two additional Bailies were appointed, making the number six instead of four as formerly.

166. Printed Copies of the Acts relating to the Harbour of Dundee, containing Act for maintaining and improving and extending the Harbour of Dundee, 17th June, 1830 (11 GEO. IV., Cap. 119), and also the prior Acts, 55 GEO. III., Cap. 97, and 59 GEO. III., Cap. 103 (both repealed by 11 GEO. IV., Cap. 119), and also containing printed copies of

(1.) Charter of Confirmation and Novodamus by King JAMES VI., in favour of the Provost, Bailies, Council, and Community of Dundee, dated 16th January, 1601.

(2.) Charter of Confirmation and Novodamus by King CHARLES I. to the Burgh of Dundee, dated 14th September, 1641, and Sealed 3rd February, 1642, and a Translation thereof.

(3.) Discharge and Renunciation by the Magistrates and Town Council of Dundee in favour of the Trustees of the Harbour of Dundee, in terms of the Harbour Acts, by which the Harbour was vested in Trustees under the Statutes—the same having formerly been held by the Magistrates and Council under their Royal Charters,—and by which Deed the Harbour Trustees granted Bonds and Assignments in favour of the Town Council for £27,500, as the consideration thereof.

(4.) Disposition by the Magistrates and Town Council of Dundee, in favour of the Trustees of the Harbour of Dundee, of the Port and Harbour and Dues and Rates, dated 13th April, 1841, under the exceptions therein mentioned; and which Disposition contains the description of the limits of the Docks and Quays thereby conveyed, and the special Duties thereby

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excepted from the Conveyance, as follows :—"The duty commonly called the Shore Placks which have been in use to be levied on grain imported and exported at the Harbour; the duty on coal which the Town has been in use to levy as patrons of the Kirk Fabric fund and of the Hospital of said Burgh of Dundee; the petty customs or fish-market dues, and dues on vessels and boats entering said Harbour with fish for the supply of the Market of Dundee, as specified in a table called 'Table of Dues to be levied for Fish Stocks,' entered in the Records of the Town Council of Dundee the 31st day of July, 1798, and herein specially referred to, and the duties payable to the Town Clerks. Declaring also, in terms of the 30 Section of the Statute, that a line drawn along the north side of Dock Street shall be the north boundary of the works constructed or to be constructed by the said Trustees, and that no part of the ground or space on the north of the said northside of Dock Street, nor any part of the beach to the north of that, shall belong to said Trustees: Provided always, that it shall not be in the power of the said Trustees to alienate, build upon, or make any encroachment upon the said Street [Dock Street], but that the same shall remain open and patent as a street for the use of the public in all time coming."

(5.) The Sasine in favour of the Harbour Trustees following on said Disposition, recorded in the Burgh Register of Sasines, 14th March, 1844.

(6.) Act for effecting certain alterations on the water of the Tidal Harbour of Victoria Dock at Dundee, and for other purposes in relation to the Harbour of Dundee, 5th June, 1856.

(7.) Extract Decree of the Court of Session—The Burgh of Dundee against the Burgh of Perth, regarding the rights of the Burghs to the River Tay, dated December, 1602.

No. 167. Act 7 WILL. IV., Cap. 59 (8th June, 1837), entituled "An Act to alter and amend an Act of the sixth year of the Reign of his late Majesty for opening certain Streets in the Burgh of Dundee, and for otherwise improving the said Burgh."

Under this Act the Markets formerly held at Stobs Muir were authorized to be transferred to the Fair Muir, and this was carried out under arrangements between the Town and Sir JOHN OGILVY of Baldovan, Bart.,—the Deeds and Documents relating to which are in the Town's Repositories.

168. Arrangement between the Magistrates and Council, as owners of the Burgh Schools, with Committees of the Inhabitants for the constitution of New Seminaries under a different management, 1837.

169. Copy Bond by the Town of Dundee to the Infirmary and Asylum of Dundee for the £1000 Mortification by Lord PANMURE, dated 31st October, 1838.

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No. 170. Contracts, Agreements, Documents, and Papers connected with the Building of East Church, and allocating Sittings, and payment of proportion of cost thereof, 1841–1842.

171. Papers connected with the re-building of the South Church, also destroyed at same time.

172. Papers connected with the purchase and constitution of the Cross Church in Tay Street in place of the Church burnt in 1841.

173. Trust Disposition by the Magistrates and Town Council in favour of Trustees for behoof of the Town's Creditors, dated 25th May, 1842.

174. Sasine in favour of THOMAS POWRIE and others as Trustees for the Town's Creditors, dated 28th May, and registered in Burgh Register of Sasines 6th June, 1842.

175. Instrument of Sasine in favour of the Trustees, dated 28th May, and registered 11th June, 1842.

176. Deed of Assumption—The Town Council of Dundee and the accepting Trustees for the Town's Creditors in favour of Messrs BALFOUR, BOASE, and DAVIDSON, dated 5th and 6th October, 1842.

177. Supplementary Disposition—The Magistrates and Town Council of Dundee in favour of the Town's Trustees, dated 9th February, 1843.

178. Sasine, in favour of the Trustees, following on said Supplementary Disposition, dated 14th, and registered 20th February, 1843.

179. Disposition by the Patrons of the Hospital of Dundee in favour of the Magistrates and Council of the Burgh of subjects in Reform Street, in terms of Arbiter's (Mr. COBB) findings, dated 23rd March, 1848.

180. Deed of Declaration and Admission by the Provost, Magistrates, and Council of Dundee and Trustees for Creditors of certain Creditors to the Trust, dated 26th and 28th February, 1850.

181. Minute of Agreement between the Magistrates and Council and Mr. DAVID JOBSON as to widening Lindsay Street at the Overgate corner, dated 6th May, 1852, and entered in Town's Chartulary, p. 150, vol. 5.

182. Extract and Registered Extract Minute of the Magistrates and Town Council of Dundee nominating Arbiters in Submission—The Dundee and Perth Railway Co. with the Town of Dundee, and Decreet Arbitral thereon, dated 18th April, 1849, and registered in Books of Council and Session 9th March, 1853.

183. Certified copy Lease between the Principal Officers of Her Majesty's Ordnance and the Magistrates and Town Council of Dundee of the Barrack Park, dated 23rd February and 3rd March, 1854, for 35½ years.

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No. 184. Conveyance by the Commissioners of Woods and Forests in favour of the Magistrates and Council of Dundee of the Solum of the pools and foreshore of Magdalen Green, dated 17th January, and recorded in Chancery 23rd January, 1856, and in the Particular Register of Sasines for Forfarshire, 11th February, 1856.

185. Copy Extract Decree in conjoined Processes of Declarator and Interdict, the Town of Dundee against DAVID HUNTER of Blackness, *et e contrà*, regarding the rights to the Magdalen Green, and to use the beach opposite thereto; and whereby it was held that Mr. HUNTER could make no other use of the beach than he could make of the Green itself, dated 5th and 8th June, 1858; and opinions of Judges.

186. Extract Act and Procedure before the Sheriff, declaring that, under the "Burial Grounds (Scotland) Act, 1855," the Parish of Dundee shall be held to be a Parish within the limits of the Burgh of Dundee, dated 26th February, 1861; extracted 21st March, 1861.

187. Disposition by JOHN THOMSON, Plumber, Dundee, to the Trustees of the Town of portion of property at Nethergate to be put into the Street, and containing obligations as to not building thereon, and referring to a Plan thereof, dated 15th and 20th June, 1861. (This Deed is recorded in the Burgh Register of Sasines 29th June, 1861.)

188. Decree and Orders shutting up the Howff Burying Ground as dangerous to Public Health, 1860–1.

189. Summons of Multiplepoinding regarding Admiral DUFF's Bequest for a Scripture Reader in Dundee, and copy Interlocutor by the Court of Session thereon establishing same, dated 20th July, 1861.

190. Extract of Procedure by Sheriff extending the boundary of the Royal Burgh of Dundee at Lochee, under the Act 20 & 21 VICT., Cap. 70, dated 24th December, 1859, and recorded in the Burgh Court Books 16th October, 1861.

191. Extract Registered Feu-Contract between ROBERT M'GAVIN, Esq., and the Town Council of the Burgh of Dundee of 20 acres of Craigie for a Burying Ground, and Inventory of Writs annexed, dated 27th February and 21st May, and registered in the Sheriff Court Books of Forfarshire 11th June, 1862.

192. Plan of Boundary Walls of the New Parish Burying Ground, September, 1862.

193. Disposition by the said ROBERT M'GAVIN to the Magistrates and Town Council of Dundee, as Parochial Board of United Parish of Dundee under Burial Act, 1855, of said 20 acres of Craigie, dated 19th December, 1862, and registered in the Register of Sasines for Forfarshire 29th December, 1862.

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No. 194. Extract Registered Agreement between the Magistrates and Town Council of Dundee and the Presbytery of Dundee, and others, arranging disputes, dated 11th, and registered in the Books of Council and Session 17th December, 1863.

195. Extract Registered Agreement between the Magistrates and Town Council of Dundee and the Presbytery of Dundee, and others, adjusting the disputes and litigation which had been depending between the parties, dated 11th, and registered in the Books of Council and Session 17th December, 1863.

196. Extract Decree of Absolvitor, &c., in favour of the Town, in Reduction and Declarator, the Reverend the Presbytery of Dundee against the Trustees for behoof of the Creditors of the Burgh of Dundee, and others, following on the arrangements of parties, dated 17th December, 1863, and extracted 15th January, 1864.

197. Council Minute, agreeing on suggestion of Lord DALHOUSIE to lay down the boundary line of the Town's Salmon and other Fishings between his Fishings opposite West Ferry, and Sketch thereof, 26th December, 1863.

198. Deed of Renunciation by WILLIAM THOMS, and others, the Trustees for the Town's Creditors, in favour of the Town Council of Dundee, of the remaining properties held in Trust, after sale of many thereof, and payment of the Town's Debts in full, dated 14th May, 1864, and recorded in the Burgh Register of Sasines 30th May, 1864, and in the Particular Register of Sasines for Forfarshire 5th September, 1864.

199. Disposition and Assignation by the Town's Trustees to the Provost, Magistrates, and Town Council of Dundee, of certain subjects held in Trust, dated 14th May, 1864, and recorded in the Register of Sasines for the Burgh of Dundee 30th May, 1864.

A Discharge was granted by the Town Council in favour of the Town's Trustees for the Creditors on their reconveying the remainder of the Town's Properties, dated 12th May, 1864, and having annexed thereto a Schedule of the Debts of the Creditors paid by the Trustees; which Discharge is recorded in the Burgh Court Books 30th May, 1864, and is among the Recorded Documents, 1864.

200. Disposition by the Patrons of the Hospital of Dundee, in favour of the Town of Dundee, of the Lands at West Chapelshade, and including the Cemetery Grounds at Constitution Road, dated 20th September, 1864, registered in the Particular Register of Sasines for Forfarshire on 22nd September, 1864, and recorded in the Burgh Court Books 19th December, 1865.

NOTE.—This Property had been formerly conveyed by the Town to the Hospital Patrons, and ordered to be reconveyed by decree of the Court of Session.

201. Extract Decree of Erection—The Magistrates of Dundee against the Officers of State, &c., for St. David's Church, dated 18th June, 1823; extracted 1864; and the Titles of the Church in favour of the Town.

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No. 202. Extract Registered Agreement and Discharge and Obligation by and between the Magistrates and Council of Dundee and the Hospital of Dundee and the Trustees of Johnston's Charity, regarding the settlement of their disputes, dated 27th, and registered at Edinburgh the 29th February, 1864, and all confirmed by the following Act of Parliament.

203. Act of Parliament 27 & 28 VICTORIA, Cap. 14 (29th July, 1864), entitled, An Act to confirm Agreements between the Magistrates and Town Council of the Royal Burgh of Dundee and the Presbytery and Ministers of Dundee with respect to the Churches and Hospital of the said Burgh, and for other purposes.

This Act settled all the litigations and disputes which for many years were in dependence between the Town and the Church Authorities and Ministers as to the amount of Stipend payable to the Ministers—the Town's obligations to pay same—the erection of the Sixth Church—and the separation of Johnston's Charity from the Hospital and Town's Assets; also the settlement of Accounts between the Town and the Hospital.

A Bond was granted by the Town of Dundee to the Trustees of the Hospital, as provided for in the Act, to the extent of £18,500, dated 20th September, 1864, and is recorded in the Burgh Court Books of Dundee 1st December, 1864; and on 7th January, 1875, a Disposition and Assignation was granted by the Town, in favour of the Hospital, of the Ground Annual and Feu-Duties payable to the Town in security of the money contained in the foresaid Bond, and which is recorded in the Burgh Court Books on 18th July, 1879.

204. Extract Registered Disposition by the Patrons of the Hospital of Dundee in favour of the Magistrates and Town Council of Dundee of the Cemetery and other land at Constitution Road, all carrying out the arrangements at the settlement of the litigation, dated 20th September, 1864, and registered in the Burgh Court Books of Dundee 19th December, 1865. (See principal of this Writ, No. 200).

205. Bond by the Town of Dundee to the Presbytery of Dundee, for £2000, in respect of the abandonment of the obligation on the Town to erect and endow a Sixth Church, as provided for under the Churches Act of 1864, dated 11th October, 1864, and recorded in the Burgh Court Books 22nd July, 1879.

206. Discharge by the Patrons of the Hospital to the Town of Dundee for the sums disallowed in the litigation between the Town and the Church Authorities, and as confirmed by the Churches Act of 1864, for £939 10s. 6d. referring to improvements on Barrack Park and law expenditure, and £1000 of proportion of costs—in all £1939 10s. 6d., dated 24th November, 1864, and recorded in the Burgh Court Books 22nd July, 1879.

207. Agreement between the Provost, Magistrates, and Town Council of Dundee and JOHN THOMSON, Plumber, Dundee, as to Nethergate, dated 16th March, 1865, and recorded in the Register of Sasines for the Burgh 27th March, 1865.

208. Disposition—The Scottish Central Railway Co. to the Town of Dundee (old Dundee and Newtyle Railway Line, &c.,) 29th July, 1865—registered in the New Particular Register of Sasines for Forfarshire 6th October, 1868.

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No. 209. Report by Mr. KERR, Town Clerk, as to the Town's rights to the East Hall, Town House, sometimes called Guild Hall, and that the Guildry had no right to it, dated 20th March, 1865. (See Copy engrossed in Council Minute Book 20th March, 1865.)

(See also Discharge by the Guildry to the Town of all transactions, obligations, and affairs, dated in 1817, an Extract of which is No. 148 of this Inventory.)

210. Agreement between the Town Council of Dundee and Mr. CHRISTOPHER KERR, Town Clerk, and Note of Duties referred to in the Agreement, dated 2nd November, 1865.

211. Discharge by the Presbytery of Dundee to the Town of Dundee for £2000, being the sum fixed in the Churches Act of 1864 to be paid by the Town to the Presbytery for relinquishment of obligation to erect and endow Sixth Church, per Bond granted therefor, as above, dated 15th December, 1865 (No. 205), recorded, along with the Bond, in Burgh Court Books 22nd July, 1879. (Deed among Recorded Writs.)

212. Agreement and Obligation by the Commissioners of Police to the Town Council that the area in front of the Drill Hall, West Bell Street, is to be used for certain purposes, and no buildings to be erected thereon (Parker Square). Recorded in the Burgh Court Books of Dundee 1st November, 1867. (Document amongst Recorded Deeds, 1867.)

213. Agreement between the Magistrates and Town Council and the Caledonian Railway Company as to discharge of claim for the Solum of the River inside the Railway Works (£4000), dated 26th February, 1867.

214. Agreement between the Trustees of the Harbour of Dundee and the Magistrates and Town Council of Dundee as to the construction of the Esplanade, dated 11th March, 1867.

215. Agreement between the Magistrates and Town Council of Dundee and the North British Railway Company regarding do., dated 11th March, 1867.

216. Agreement between the Magistrates and Town Council of Dundee and the Caledonian Railway Company as to do., dated 26th February, 1867.

217. Minute of Agreement between the Board of Trade and the Provost, Magistrates, and Town Council of Dundee, whereby the Board agreed to give to the Town Council the Crown Rights to the foreshore necessary for the construction of the Esplanade, conform to Plan delineated on the Agreement, and for the purposes of the Esplanade and the portions to be given to the Caledonian and North British Railway Companies, dated 4th and 10th July, 1867.

218. Act of Parliament confirming all the foresaid Agreements, and granting power to the Town Council to take and enclose the foreshore embraced by the Esplanade Wall conform to Plan, and to give off the portions to be given to the Railway

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Companies. The Act is 31 & 32 VICTORIA, Cap. 112, entitled An Act to authorize the Provost, Magistrates, and Town Council of the Royal Burgh of Dundee to construct a Sea Wall so as to enclose a portion of the alveus of the Frith of Tay opposite to the Burgh, and to form an Esplanade and a Road or Street on and within such Sea Wall, and for other purposes.—13th July, 1868.

No. 219. Disposition by the Board of Trade, conform to the foregoing Agreement and Act of Parliament, of the Crown Rights in the said foreshore, dated 8th October, and recorded in the Particular Register of Sasines for Forfarshire on 21st October, and in the Register of Sasines of the Burgh of Dundee on 25th November—all in 1868.

220. Conveyance (Copy) by the Town to the Caledonian Railway Company of the portion of the foreshore of the River agreed to be given to that Company in respect of the agreement by them to contribute to the erection of Sea Wall at Esplanade; and of the portion of foreshore inside the Railway Lines, for which the compromise was effected of £4000 to be paid by the Company to the Town therefor, dated 24th September, 1868.

(This Deed is engrossed in the Town's Chartulary.)

221. Extract Decree on Petition—The Magistrates and Town Council of Dundee for annexation of the landward portion of the Parish to the Fourth or St. Andrew's District of the Burgh for Registration purposes, dated 14th January, 1868.

222. Arrangement between the Town and the East Church Congregation, that the Congregation were to be allowed to erect an Organ in the Church on condition that the property thereof should belong to the Town. (See Minutes of Council 20th January, 1865, and 22nd March, 1866, and Minute of Property Committee 12th March, 1866.)

223. Minutes by the Town to let to the Commissioners of Police Stob's Muir Lands for public purposes, at a yearly rent of £16—(Property Committee, 19th July, 1853)—and raised to £20 a-year on 30th June, 1863, by Council Minute of that date.

The original let was for one year, and it has continued on same terms since.

An application was made to the Council by the Police Commission for a lease for 19 years of the portion of the land now used as Skating Ponds, but the Council declined to give a lease of so long duration—(12th May, 1865).

224. Heads of Agreement between the Magistrates and Council of Dundee and the North British Railway Company as to Tay Bridge, dated 16th and 17th February, 1870.

225. Decrees and Orders shutting up Logie Burying Ground, and also St. Peter's Burying Ground, St. Andrew's Burying Ground, Constitution Road Burying Ground, and Roodyards Burying Ground, as dangerous to the public health, 1869, 5th February, 1870, and 16th May, 1871.

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No. 226. Minutes and Agreement by the Town with the Police Commissioners as to the unbuilt ground around Albert Square, subject to the reservation of the Town Council's right to allow of the erection of Statues around the Albert Institute Grounds, and the Obligation on the Police Authorities to pave and watch, &c., dated 7th January, 1869.

227. Feu Contract between Dame ELIZABETH ANDERSON or SCOTT and Sir WILLIAM SCOTT and the Town Council of Dundee as the Parochial Board of the Parish of Dundee of the Balgay Hill Cemetery, and Plan annexed thereto, dated 27th and 31st January, and recorded in the Division of the General Register of Sasines applicable to the County of Forfar 6th April in 1870.

228. Disposition—The Albert Institute, Limited, in favour of the Magistrates and Town Council of Dundee—of portion of the Albert Institute Buildings and Ground, under the exceptions mentioned, and conform to Plan annexed, dated 5th June, 1871, and recorded in the Register of Sasines for the Burgh of Dundee 3rd November, 1871, and in the Division of the General Register of Sasines applicable to the County of Forfar 14th December, 1871.

229. Disposition by The Albert Institute, Limited, in favour of the Magistrates and Town Council of Dundee of the lower portion of the Albert Buildings therein mentioned, dated 6th September, 1871, and recorded in the Register of Sasines for the Burgh of Dundee 3rd November, and in the General Register applicable to Forfarshire 14th December, 1871, with Specification of extension to the buildings for Picture Galleries, &c., and Contracts for the execution of said works, 1871–72.

230. Reports by Sir GILBERT SCOTT and others, and Contracts, Specifications, and Documents connected with the Renovation of the Old Steeple, 1872.

A Sum of £4,540 was raised by subscription among the Inhabitants for the purpose, but the Town had to supplement the same for the cost of the repair to the extent of £4,243—the whole cost of repair having been upwards of £8,780.

231. Conveyance and Transfer by the Trustees of the Kinloch Monument Fund, with consents, in favour of the Provost, Magistrates, and Town Council of the Burgh, of the Kinloch Monument, dated 3rd February, 1872.

232. Petition for the erection of Chapelshade Church into a Parish *quoad sacra*, under the Act 7 & 8 VICT., Cap. 44, dated 17th February, 1872, and erection conform.

233. Agreement between the Town and Mr. WILLIAM CLEGHORN as to the use of the West Wall of the Barrack Park, dated 2nd and 7th May, 1872.

234. Minute of Agreement between the Trustees of the Harbour of Dundee and the Magistrates and Town Council as to the new Tay Ferry Act, and whereby the obligation on the Council under the Esplanade Act to keep the Ferry Harbour clear was discharged, while the Council gave up various rights of foreshore

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opposite the Harbour Works and claim for compensation for injury to Salmon Fishings by the Harbour Works, dated 30th November and 2nd December, 1872.

No. 235. Disposition (Copy) by the Trustees of the Harbour of Dundee and the Caledonian Railway Company in favour of the Town Council of the Craig Pier House and pertinents for Esplanade purposes, dated 16th December, 1873, and 5th January, 1874, and recorded in the Burgh Register of Sasines 10th February, 1874.

(This property was afterwards disposed of to the North British Railway Company, subject to the surface use for Esplanade purposes, conform to Disposition dated 7th May, and recorded in the Burgh Register of Sasines 13th June, 1874).

236. Minute of Agreement between the Magistrates and Town Council and the North British Railway Company as to right to put down a Drain Pipe from the Station through the Sea Wall and Esplanade Grounds, and the conditions thereof, dated 15th and 30th January, 1873.

237. Petition for the erection of St. Andrew's Church into a *quoad sacra* Parish, under the Act 7 & 8 Vict., Cap. 44, and erection conform, 1st February, 1873.

238. Interim Decree by Court of Session in Petition and Application by the Magistrates and Town Council for authority to uplift and apply the price of the Ladywell property, which belonged to the Town, but which was taken by the Police and Improvement Commissioners under the Police and Improvement Act, 1871, dated 27th February, 1874, and a printed copy of the Petition.

239. Disposition and Conveyance (Copy) by the Magistrates and Council of said property in favour of the Commissioners of Police, under said Act, dated 4th September, 1873.

240. Bond and Disposition in Security by the Town Council in favour of the Royal Bank of Scotland for £4,500 of overdrawn account by Town from the Bank. (This Bond was executed in order to enable the Town to draw up the said consigned price of the Ladywell property, amounting to £4,073, the overdraft having been shewn to have been expended in acquiring and repairing other heritable properties belonging to the Town to the like amount). The Bond is dated 26th February, 1874, and registered in the Register of Sasines for the Burgh the same date,—and granted a security over the properties at Greenmarket and Dock Street belonging to the Town.

241. Discharge by the Royal Bank of Scotland to the Town of the said Bond and Disposition in Security for £4,500, the same having been paid out of the funds uplifted from the Bank and consigned as the price of the Ladywell property before mentioned, dated 22nd April, and recorded in the Register of the Burgh of Dundee 28th April, 1874.

242. Petitions for the erection of Wallacetown Church into a *quoad sacra* Parish, under the Act 7 & 8 Vict., Cap. 44, and erection conform, dated 7th February, 1874, and for erection of Rosebank Church, 4th December, 1874.

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No. 243. Extract Registered Disposition and Assignation as additional security for the Bond of £18,500 by the Magistrates and Council in favour of the Hospital Patrons, dated 7th January, 1875, and registered in the Register of Sasines for the Burgh 20th January, and County Register 12th February, 1875, and in the Burgh Court Books 18th July, 1879. (See Hospital Writings.)

244. Extract Registered Minute of Agreement between the Town and Mr. WILLIAM SMITH, Porter and Ale Merchant, Vault, as to the privilege of making an underground connection or Tunnel under a portion of the street in the Vault, conform to plan, during the pleasure of the Magistrates, dated 26th June and 1st July, 1875, and registered in Burgh Court Books 5th July, 1875.

245. Disposition and Discharge by the Trustees of DAVID HUNTER, Esq. of Blackness, in favour of the Provost, Magistrates, and Town Council, of his rights to the foreshore of the River on which the Esplanade and Sea Wall are built conform to plan, dated 13th and 17th May, 1875, and recorded in the Division of the General Register of Sasines for Forfarshire 31st May, and in the Register of Sasines for the Burgh of Dundee 5th August, 1875.

246. Petition for the erection of St. Luke's Church (of Lochee) into a Parish *quoad sacra*, under Act 7 & 8 VICT., Cap. 44, and erected conform, dated 3rd January, 1876.

247. Petition for the erection of St. Enoch's Church into a *quoad sacra* Parish, under the Act 7 & 8 VICT., Cap. 44, 28th January, 1876.

248. Petition for the erection of Logie Church into a *quoad sacra* Parish, in terms of Act 7 & 8 VICT., Cap. 44, 1st June, 1877.

249. Assignation and Conveyance by the Wright Incorporation of Dundee, in favour of the Town Council, of Pew No. 40 in the South Church, dated 2nd May, 1876.

250. Disposition by ROBERT M'GAVIN, Esq. of Craigie, to the Provost, Magistrates, and Town Council, as the Parochial Board under the Burial Acts, of 20 Acres of the lands of Craigie, as an addition to and to the eastward of the Cemetery already acquired there, dated 13th May, and registered in the Division of the General Register of Sasines for Forfarshire 17th May, 1876, with Letter of Consent by Mr. THOMAS DRUMMOND, Farmer, Tenant of the lands, dated May, 1876.

251. Copy Disposition of Foreshore at Invergowrie by Board of Trade to Mr. CLAYHILLS HENDERSON, with the reserved rights of the Town to acquire same on certain conditions and privileges thereanent, dated 28th June, 1876.

252. Conveyance by the Subscribers to the Carmichael Statue, in favour of the Magistrates and Town Council, of said Statue, dated 17th June, 1876.

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No. 253. Extract Decree by the Sheriff on the Petition of Ratepayers for extending the Municipal Boundaries of the Burgh to the Parliamentary Boundaries, dated 15th December, 1876, and recorded in the Burgh Court Books of Dundee 12th March, 1877. (Document amongst Recorded Deeds, 1877.)

254. Extract Decree by the Sheriff on the Petition by the Magistrates and Council for annexation to, and the extension of the Wards of the Burgh, so as to comprehend the additional lands embraced in the Municipal Boundaries by the foregoing Decree of Extension, dated 10th February, and recorded in the Burgh Court Books 4th April, 1877. (Document amongst Recorded Deeds, 1877.)

255. Contract of Excambion between the Provost, Magistrates, and Council, as the Parochial Board, and ROBERT M'GAVIN, Esq., of two acres of the ground conveyed for the Cemetery, as above, with two acres of Mr. M'GAVIN's lands to the eastward, all conform to plan thereof annexed, dated 21st December, 1876, and 4th January, 1877, and recorded in the General Register of Sasines applicable to Forfarshire 15th May, 1877.

(1.) Relative Minute of Agreement between the Provost, Magistrates, and Town Council, as the Parochial Board, and ROBERT M'GAVIN, Esq., as to the payment of rent of the land to the east of the Craigie Farm Access Road, and cropped by Mr. DRUMMOND by agreement with the Council during the remainder of his lease; and the award therein by the Arbiter, fixing the annual rent at £60 19s. 9d., dated 19th and 26th April, 1877.

This land is portion of that acquired by the Board as above, but allowed to be used in the meantime as agricultural land until the end of Mr. DRUMMOND's lease then current (7 years), or until required for Cemetery purposes.

(2.) Minute of Agreement between the same parties, and award annexed, relating to another portion of the land on the farm of Greendykes, and of same dates, and fixing the rent at £35 17s. 6d.

(3.) Minute of Agreement between the same parties, as to allowance to be made the Town Council for the access road to the farm through the land, and allowed to continue in the meantime during Mr. DRUMMOND's lease, or until required for Cemetery purposes, bearing same dates, and fixing the annual payment at £30 for the seven years of the existing lease.

256. Minute of Agreement between the same parties, fixing the proportion of Minister's Stipend, payable by the Town as the Parochial Board, for the Cemetery lands, dated 21st December, 1876, and 4th January, 1877, and fixing the annual portion of Stipend payable by Town Council at £3 13s.

257. Disposition and Renunciation, dated 9th, 13th, and 30th June, and 2nd and 5th July, 1838—The Directors of the Public Seminaries and the Magistrates

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and Town Council—whereby, in respect of the payment by the Council of £1811 3s. 2d. (the balance of the debt due by the Directors to the Contractors for building the Schools), the Directors conveyed back to the Council the portions of the ground formerly feued to them in 1830 so far as outside of the present boundary walls of the Seminaries.

No. 258. Instrument of Sasine in favour of the Town, following on the said Disposition, dated 19th, and registered 29th October, 1838.

259. Instrument of Sasine in favour of the Magistrates and Council as Trustees for the Public Baths, dated 24th, and registered 26th August, 1847.

260. Extract Feu Contract and Disposition by the Town Council of Dundee, in favour of the Police Commissioners of Dundee, of the properties of the Town at Greenmarket and Dock Street, and conform to Plan, and all taken from the Town under the powers of the Police and Improvement Act of 1871, dated 4th and 16th May, 1876. The consideration for this conveyance is a ground annual or ground rent payable to the Town of £902 8s. The Contract is recorded in the Register of Sasines for the Burgh of Dundee on 22nd May, 1876, and also recorded in the Books of Council and Session, 1st August, 1876.

261. Proceedings and Decree Arbitral by Mr. James Leslie, C.E., Edinburgh, the Arbiter under Contract entered into between the Magistrates and Council, under the Esplanade Act, and Mr. Hugh Kinghorn, Contractor for constructing the Sea Wall at Esplanade, and which work he abandoned, when the Council had to take new estimates at a higher sum than Mr. Kinghorn's Contract, and thereafter claimed from him the difference. The Arbiter decided the disputes in favour of the Town Council, and decreed against Mr. Kinghorn for £6950 19s. 6d., with interest, all as therein mentioned.

A Decree conform was procured from the Court of Session, and the amount decreed for received from Mr. Kinghorn, 1877-8.

262. Reports by Mr. Hay, Town Clerk, and by Mr. Thornton, Clerk of Police, regarding the Town's rights to the Law Hill of Dundee, and portion of the Lands of Dudhope, 1876.

263. Disposition by William MacBean Rankine, Esq. of Dudhope, in favour of the Magistrates and Town Council of Dundee, of the Law Hill and Quarries and Grounds surrounding, all conform to Plan thereof annexed—the price being £3,888 8s. 6d.; and copy Minutes of the Council as to this transaction, which was gone into by way of compromise of a long-standing dispute as to the right to the Law Hill, and to prevent a litigation thereanent. The Disposition is dated 14th May, 1878, and is recorded in the Division of the General Register of Sasines applicable to Forfarshire on 17th May, 1878.

264. Disposition by The Albert Institute, Limited, and Mr. Robert Bower Ritchie, Liquidator thereof, and with consents, in favour of the Magistrates and Town

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Council of Dundee on behalf of the community, of the portion of the Albert Institute Grounds and Buildings remaining in the Institute, dated 14th May, 1879, and registered in the Register of Sasines for the Burgh of Dundee on 22nd May, and in the division of the General Register of Sasines the 25th day of June, 1879.

NOTE.—This Deed, with the former Dispositions in favour of the Town Council, embraces the whole Albert Buildings and Grounds conveyed to and held by the Institute Company.

No. 265. Copy of an ancient Writing, understood to be the Original Constitution of the Guildry Incorporation in Dundee, dated 1515.

266. Order by the Privy Council and States of Parliament to the Town of Dundee, ordering the Magistrates to send 200 men to defend Burntisland, dated 28th January, 1651. The Order bears the signatures of the Earls of ARGYLL, CRAWFORD & LINDSAY, HAMILTON, BALCARRES, BALHAVEN, DOUGLAS, and others.

267. A Number of Acts and Orders by the Privy Council and Civil and Military Authorities, ordering the Magistrates to provide soldiers and war material for the public service, dated 1650–1.

268. Order by the King's Commissioners, signed by the Marquis of TWEEDDALE, Earl of MORAY, and Lords BELLINDEN and COCHRANE, ordering payment of the King's Revenue from the Burgh to the Collector, under penalty of having a party of horse quartered in the Town, dated 8th August, 1667.

269. Discharge by CLAVERHOUSE, Lord Viscount DUNDEE, to the Town, for his Duty on Malt brewed in the Burgh, dated 11th March, 1689.

270. Writs connected with the Town's Meadows :—

(1.) Indenture, dated 4th April, 1513, between the Provost, Bailies, Council, and Community of Dundee on the one part, and WILLIAM BARRY, Procurator and Commissioner for his brother JOHN OF BARRY, whereby he sold to the Town the said JOHN's *twa part* of the Medow, called Donald Litstar's Medow, with ye pertinents, extending fra the commen Malt Myll dam of the Burgh west to the Friar dyke, and east through ANDRO TULLIS crofts, and again into the Burgh rudis and to the Mill dam, to be held of the Constable of Dundee.

(2.) Obligation by JAMES MUDIE to JAMES FLETCHER to convey to him the two Meadows formerly occupied by ANDREW BARRIE, and disponed under reversion by the Town of Dundee to the said JAMES MUDIE's father, dated 29th June, 1609.

(3.) Charter, dated 27th August, 1591, by Sir JAMES SCRYMGEOUR of Dudhope, Knight, to the Town of Dundee of a third part of the Meadows—(see before in Town's Titles, No. 72).

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(4.) Copy Extract Disposition, dated 27th April, and recorded 28th April, 1752, by JOHN MILNE, Hospital Master of Dundee, in favour of the Town of Dundee, of some acres or butts of land lying to the north of the Town's Meadows, adjacent to St. Francis Well.

(5.) Instrument of Sasine, dated 27th April, 1752, and recorded in the Particular Register of Sasines for Forfarshire 1st May, 1752, in favour of the Town Treasurer of Dundee for the Town, of the said lands, proceeding upon Disposition and Assignation dated 27th April, 1752, by the Hospital Master to the Town's Treasurer.

NOTE.—A Submission was made by the Town and the Hospital Patrons to Mr. DAVID COBB, Writer, Dundee, to determine the rights of parties to portions of the Meadows at the present Ward Road and North-east End of Reform Street, including what were termed the Little Meadows. Mr. COBB pronounced a Decree (Copy Decree is enclosed), defining the boundaries of the Town's Meadows, which included the Little Meadows and all to the North of the present Ward Road; and a Disposition followed on this Decree in favour of the Town (No. 179). The Town's rights, therefore, as to what are called the Meadows extended from the Constitution Road on the west, Bell Street on the north, and Ward Road on the east and south.

In the actions raised by the Presbytery and individual Ministers of the Church of Scotland in Dundee against the Town regarding the Funds belonging to the Hospital of Dundee and liable for payment of Stipends, and known by the name of the Stipend Case, and also in an action of Declarator and Reduction at the instance of the Presbytery of Dundee against the Town (20th December, 1862), wherein portions of the Meadows were claimed as belonging to the Hospital Fund, an agreement and compromise was come to by the parties, confirmed by Act of Parliament, titled "The Dundee Churches and Hospital Act, 1864," 27 & 28 VICTORIÆ, c. 14—(29th July, 1864). A copy of that Act is given (next number). Portions of the Meadows in dispute in that action were declared to belong to the Town of Dundee, as the common estate of the Community of Dundee—(see Agreement scheduled to the Act, and dated 11th December, 1863, article 2nd, and also clauses 3, 4, and 5 of Act),—and thus the Town's rights to the Meadows within the above boundaries were confirmed.

(6.) The Dundee Churches and Hospital Act, 1864, 27 & 28 VICT., Cap. 14—29th July, 1864, above referred to, and Agreement appended.

No. 271. Instrument of Sasine in favour of the Magistrates and Town Council of Dundee, and the Disposition on which the same proceeds, and the Titles of the Rock—commonly called St. Nicolas' Craig, lying within the Flood Mark of the Burgh, including the Rock Fortalice and Manor Place thereof and pertinents, with the advocation and right of Patronage of the Chaplaincy of St. Nicolas situated within the same (4 in number), dated 12th, and recorded in the Register of of Sasines of the Burgh of Dundee 15th September, 1737.

(This Rock and subjects are now part of the Railway Station to the west of South Union Street, and a part in the Street).

272. Extract Registered Minute of Agreement between Messrs JOHN LENG & Co. and the Magistrates and Town Council as to the Wall of the Howff in Bank Street property, and excluding servitude of light over Howff, and Plan annexed, dated

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14th and 24th November and 7th December, 1874, and recorded in the Burgh Court Books 15th December, 1874.

No. 273. Extract Registered Minute of Agreement between Messrs DAVID STEWART LITTLEJOHN and ROBERT BLACKADDER and the Magistrates and Council as to Wall of Howff and north boundary of their property in Bank Street, and excluding servitude of light over Howff, and Plan annexed, dated 18th and 19th June, 1868, and recorded 21st July, 1868.

274. Minute of Agreement between the Provost, Magistrates, and Town Council of Dundee, and THOMAS BUCHAN, House Proprietor, as to boundaries of their property at Overgate and West Corner of Lindsay Street, and Plan annexed, dated 15th June, 1874, and recorded in the Register of Sasines for the Burgh 14th July, 1874.

275. Report (Copy) by the Sheriff-Substitute of Forfarshire, under remit by the Court of Session in the action between the Town, Sir JOHN OGILVY, and Lord DOUGLAS, for laying out the Fair Muir for a Market Stance, and Plan of the Stance of 12 acres reported on, dated 21st November, 1843.

276. Charter of Novodamus and Conveyance, dated 18th, 19th, and 21st March, 1845, by the Trustees of GUTHRIE of Craigie, in favour of the Town, of a portion of the Muir of Craigie (now called Stobb's Muir), following on a Submission to determine the rights of parties to the Muir of Craigie and other lands on that Estate, entered into between the Town, the Hospital Patrons, and the Trades of Dundee, and JAMES GUTHRIE of Craigie and JAMES KYD, heir of the late GEORGE KYD of Craigie, dated 7th and 8th May, 1765; and Decreet Arbitral following thereon, dated 9th and 24th June, 1766, and relative Minutes of Agreement between the parties, whereby the Town got right, by division of the Muir, to the portion of Craigie Muir now known as Stobb's Muir property, and described therein; with the Extract Submission and Decreet Arbitral, and several documents connected therewith; and as to the Feu of Oliver's Croft, &c. (See Hospital Writings).

277. Instrument of Sasine, in favour of the Town, following thereon, dated 1st, and registered 3rd April, 1845.

278. Title Deeds, in favour of the Town, of the properties on which the extension of the Town House Buildings have been erected.

279. Title Deeds of the Ladywell Property, which belonged to the Town and taken by the Police Commissioners under the Improvement Act of 1871.

280. Title Deeds of the Mills on the Water of Dighty, Pitkerro Mill, and of Baldovan Mills, which belonged to the Town, including an ancient Charter by ALEXANDER SCRYMGEOUR, Constable of Dundee, to the Town, of an acre of land at Millcroft of Pitkerro, dated in the middle of the 14th century; also a Charter by Sir JAMES DURHAM of Pitkerro, to the Town, of the New Mill of Pitkerro, and

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Sasine following thereon, on 8th May, 1589; and Minute of Sale by the Town of two Mills at Pitkerro to JAMES DURHAM, dated 18th September and 27th October, 1621; also an Obligation by ALEXANDER DUNCAN of Lundie not to stop the course of the water from the Loch of Lundie to the Dighty, dated 21st July, 1681, and including Papers in connection with the let of the Mills on the Dighty to the Baker Trade in 1780.

No. 281. Acts by Privy Council as to fine inflicted on the Provost for unduly maintaining rights of the Burgh as against the Constable, and that the same should be paid by the Town; and Decree by the Provost (BROWN) against the Town for relief accordingly, dated 26th January, 1684.

282. Notes of some Acts of Council taken from the Council Books, from 1613 to 1667.

NOTE.—There are some of the Notes taken from the Council Book from 1658 to 1663, which Book is now lost. *(This note made in 1820.)*

283. Obligation—The Fraternity of Seamen of the Burgh of Dundie, to the Counsell of the said Burgh, 1712, of Contribution towards Kirk Fabric for Seat in Church.

284. Copy Charter of WILLIAM and MARY uniting and incorporating the Dyer and Waulker Trades, dated 28th February, 1694. (1820.)

285. Accompt of the state of the Burgh of Dundie as to their yearly Revenue and constant Expences, 1700.

The Town was obliged soon after this time to sell their most valuable Estates to pay the debts, including Logie Estate, &c. The Town's Creditors insisted on the Council disposing of their properties to pay the debts; and at a meeting of Council on 6th December, 1705, they resolved to sell the Estate of Logie, both property and superiority; but, considering the object contemplated in buying the Barony of the Hilltown and Lands of Dudhope, they declined to sell these, but resolved to feu out the same, to be holden of the Town. Accordingly, they subsequently feued out these lands to the Hospital, the Kirk Session, the Guildry, the Seamen Incorporation, Roger's Mortification, Mr. MORRISON, and others. These feued lands included what are now known as the Hospital Park, Coldside, Hogsfaulds, Butchart's Acres, Langland Acres, Seamen's Acres, Wester Clepington, Forebank, Leyshed, and lands intervening between the Hospital Park and Hilltown, and around the Hill. They also agreed to sell the Superiorities of Clepington, Drumgeith, Baldovie, Craigie, and Duntrune; and also the Fishings of Draffin and subjects at Broughty Ferry, to Major HUNTER of Burnside.

286. Plan of the Town and Foreshore of Dundee, shewing the embanked ground, and full references, surveyed and planned in February 1796.

287. Decree of Erection of the Cross and Steeple Churches by Court of Teinds, dated 23rd July, 1788.

288. Writs and old Documents connected with the Town's Salmon Fishings, and Securities granted by the Magistrates thereon, and Letters of Reversion thereof, in 1510 and 1565–1568, with a Plan shewing the Fishing Station at Roodyards; also a printed copy of the Petition by the Town Council to the Court of Session

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against the Action and Decree of the Duke of ATHOL and the Higher Heritors prohibiting Stake Nets above Drumley Sands,—from which it appears the Town's Fishings in 1812-13 were let on a seven years' lease for £610 per annum; also a Plan shewing the east boundary of the Town's Salmon Fishings at Harecraig, at the Rock called the Provost's Chair, and the west boundary of Lord DALHOUSIE'S Fishings at the same place, with the evidence taken at the time of the practice of fishing at these boundaries, dated 5th and 9th September, 1825.

No. 289. Obligation by WALTER DE OGILBY of Lintrethyne, RICHARD LAFALL of Balumby, and WILLIAM DE ——— of the Town of Dundee, to infeft ROBERT BEL, Burgess of Dundee, in an annual rent of six merks to be uplifted from the Lands of Balmur in the Barony of Kyrymor, dated 1st June, 1419.

Box 3. Containing the Titles to various properties acquired by the Town while opening up new streets and improving town, situated in High Street.

Box 4. Containing the Titles of properties acquired by Town in Nethergate and Couttie's Wynd.

Box 5. Containing the Titles of properties acquired by Town situated in Yeaman Shore, Craig Street, St. Clement's Lane, West Dock Street, Vault, and Union Street.

Box 6. Containing the Titles of properties acquired by Town situated in Willison Street, Barrack Street, and North Lindsay Street.

Box 7. Containing the Titles of properties acquired by the Town situated in Murraygate, Wellgate, Seagate, Panmure Street, Castle Street, and Castle Hill.

Box 8. Containing a variety of Old Writs and Instruments during the 16th, 17th, and 18th centuries, Tacks, Articles of Roup, and of a miscellaneous nature.

Box 9. Containing Warrants, Bonds, Discharges, Memorials, and Opinions of Counsel, and various papers connected with the Town's affairs, of a miscellaneous nature.

Box 10. Containing Old Titles of Estates of Drumgeith, Baldovie, Wallace Craigie, Culloden, Donaldsdale, Subjects near Ladywell and in Hilltown, Articles of Roup, and Plans of Subjects in Tay Street, Castle Street, and Crichton Street; also Nine Writs of old date (1300 to 1470) connected with properties in the Burgh.

Box 11. Papers connected with the Churches and Kirk Fabric.

Box 12. Papers, Minutes, &c., connected with the Town's Trust.

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Inventory of Writs and Titles of Lands of Dudhope and Barony of the Hilltown.

Branch II.

Town's Charter Chest, Box 13.

No. 1. Instrument of Resignation in the hands of the Crown, in favour of Sir John Maitland and Sir Robert Mylne, of Lands of Dudhope, and also of the Barony of Rottenraw, commonly called the Bonnet Hill of Dundee; the Patronage of the Parish of Dundee; the Salmon Fishings of Draffin, and other subjects, part of the Barony of Dundee, dated March, 1690.

2. Charter by William & Mary, following on said Resignation, in favour of the said Sir John Maitland and Sir Robert Miln, of the said lands, subjects, and others, dated at Edinburgh the 13th February, 1691, written to the Great Seal, 10th April, 1691.

3. Instrument of Sasine, dated 14th or 15th April, 1692, and recorded in the General Register of Sasines 13th May, 1692, in favour of the said Sir John Maitland, now named Sir John Lauder, and Sir Robert Miln, of the foresaid subjects, proceeding on the said Crown Charter.

4. Contract between Sir John Lauder and Sir Robert Miln, disponing to the said Sir Robert Miln the several lands and others above mentioned. *(Date torn away.)*

5. Extract Registered Disposition by Sir John Maitland (then John, Earl of Lauderdale) and Sir Robert Miln, dated 5th March, 1697, and recorded in the Books of Council and Session 10th April, 1738, in favour of the Town of Dundee, of the Lands, Barony, and others before mentioned, and others.

6. Decree by Court of Session, at the instance of Mr. Henry Scrymgeour, Parson of Dundee, dated 6th July, 1697, against the said Sir Robert Miln, finding the letters against him for Stipend orderly, proceeded.

7. General Charge to enter Heir to Sir Robert Mylne, against John, now Earl of Lauderdale, dated 6th March, 1697.

8. Grounds of Debt in Adjudication at the instance of the said Sir Robert Miln against the said John, Earl of Lauderdale. (Some are wanting, as marked in the Inventory thereof, dated 1697).

9. Instrument of Resignation of the Lands of Dudhope, Barony of the Hilltown, Patronage of the Church of Dundee, and Superiorities of Duntroon, Baldovie, and Kirkton, Lands of East Ferry, and Fishings of Draffin,—all as contained in foresaid Charter and Disposition in favour of the Town of Dundee, dated 7th July, 1697, proceeding upon the foregoing Contract and Disposition.

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No. 10. Crown Charter by WILLIAM III., dated 12th July, 1697, and written to the Great Seal 11th August, 1697, in favour of the Town of Dundee, of a portion of the Lands of Dudhope and of the Barony of Hilltown, and others above mentioned, with a copy in Latin and an English translation.

11. Decree of Constitution—Sir ROBERT MILN against the Earl of LAUDERDALE, dated 21st July, 1697.

12. Special Charge to enter Heir, at the instance of Sir ROBERT MILN against the Earl of LAUDERDALE, dated 19th August, and signetted 1st September, 1697.

13. Instrument of Sasine, in favour of the Town, following on the said Crown Charter, dated 5th, and registered in the Particular Register of Sasines for Forfarshire 10th August, 1719.

14. Assignation by Sir ROBERT MILN to the Town of Dundee of the Decree of Adjudication, at his instance against the Earl of LAUDERDALE, of the Lands of Dudhope, Barony of Hilltown, and others above mentioned, dated 18th January, 1700.

NOTE.—Part of the Hilltown Lands, which also included Forebank, had been feued out before the Town acquired right to it, but the greater part was feued by the Town itself, about 1706, to a number of public charities and individuals,—among others, the Hospital Patrons, Kirk Fabric, the Guildry, Seamen, Poor, Roger's Mortification, Widow's Mortification, Kirk Session, West Clepington, Coldside, WILLIAM MORRISON, JAMES WRIGHT, ROBERT HILL, and others. The acres at the East Ferry and Fishings of Draffin were feued about 1706 to a predecessor of General HUNTER of Burnside. The Town, by the foregoing titles, had right only to the Superiority of Duntroon and Baldovie, and this was sold in 1760. The Superiorities of Clepington were sold by the Town at the same time. The Town never acquired possession of the other lands contained in the foregoing titles, lying in the Counties of Fife and Perth. Mr. HAY, Town Clerk, examined the Town Council Records regarding the rights acquired by the Town by the foresaid Crown Charter, and in a Report by him to the Town Council, dated 23rd October, 1876, he gives a narrative of the actings of the Council in their endeavours to purchase these lands, commencing in 1684 with excerpts of the Minutes of the Council in their dealings in regard to the same with the Earl of LAUDERDALE, and also with GRAHAM of Claverhouse, who made objections in the course of the negotiations. These excerpts, with a translation of the Crown Charter, are printed as an appendix to the Report, from pages 30 to 40 thereof, and the circumstances connected with the purchase are narrated in that Report, pages 1 to 6. (See following printed copy of the Report, No. 16). As regards the Dispute as to the Ownership of the Law Hill, this was compromised with the Owner of Mains of Dudhope, and the same conveyed to the Town by Deed, dated 14th May, 1878. (See Town's Writings, No. 263).

15. Extract Process and Proof in an Action between the Magistrates and Council of Dundee, Patrons of Hospital, and Mr. JOHN RANKINE of Dudhope, regarding the right-of-way by road to the Law Hill, dated 18th February, 1812, 12th August and 1st and 16th October, 1813, and 20th January and 14th June, 1814, and extracted 7th March, 1822.

16. Printed copy Report by Mr. WILLIAM HAY, Town Clerk, on the Titles and Documents in the Town's Repositories to the Dudhope Estates, dated 23rd October,

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1876, and Information for the Town of Dundee respecting the purchase of the Hilltown from the Earl of LAUDERDALE, dated 11th December, 1684, in consequence of the difficulties put in the way by Major-General GRAHAM of Claverhouse; also copy of a Report, ordered by the Commissioners of Police regarding the same subject, by Mr. THOMAS THORNTON, Clerk of Police.

Lands of the Mains of Dudhope, including Chapelshade, Feued by the Town,—

No. 17. Feu-Charter by THOMAS BOYES of Mains of Dudhope, in favour of the Town of Dundee, dated 10th May, 1749, of the parts and portions of the Mains of Dudhope, called the Chapelshade, and also part of the Parks of Dudhope.

NOTE.—The lands thus feued extended northwards from Bell Street, on the west of the Lady Well, along Dudhope Street, and to the westward of Dallfield, towards the Law Hill, to the northern boundary of the feus of Mr. HEAN and Mr. BEGG, where it bounds with the lands known as Hospital Park, and thence along Dudhope Terrace Road to the west corner of the Infirmary Grounds, then southwards along the road between the Barrack Park and the Infirmary Grounds, and southward along the east wall of the Barrack Grounds to and across the Coupar-Angus Turnpike Road, along Brown Street till opposite West Bell Street, including the Manufactories of Messrs FERGUSON and GILROY BROTHERS, the south boundary at this place being Monorgan's Croft, thence eastward in a line a little to the southward of Bell Street to the Lady Well. The lands feued included within their boundaries the present Prison and Court House, Police Buildings, Parker Square, Constitution Burying Ground, Dudhope Crescent, the Infirmary Grounds, West Chapelshade, the Bleaching Green, and Constitution Road Feus. This Feu-Charter is recorded in the Burgh Court Books of Dundee on 23rd June, 1755, and 24th December, 1779, and is among the documents recorded in the Burgh Records.

18. Instrument of Sasine, in favour of the Town, dated 15th, and recorded in the Particular Register of Sasines for Forfarshire 18th May, 1749, in the subjects above-mentioned.

NOTE.—The lands of East Chapelshade, north of Bell Street, were fenced out in 5 lots—Feu-Contracts being recorded in the Burgh Court Books on 30th December, 1748—Feuars names being JAMES ANDERSON, Weaver, 1 acre; THOMAS ANDERSON, Weaver, 1 acre; JAMES ADAMS, Weaver, 1 acre; DAVID BOWMAN, Weaver, 1 acre, and JOHN ROLLO & ALEXANDER MACGLASHAN, Merchants, 4¼ acres. Rate of Feu, £2 8s. sterling per acre.

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Charters and Writs connected with the Hospital and Hospital Funds.

Branch III.

Town's Charter Chest, Box 14.

No. 1. Charter by King Robert II., to Patrick de Inverpefer, of a third part of the Lands of Craigie, dated 31st May, 1378.

2. Copy, as taken from the Register of the Great Seal, of Charter by King Robert III. of the third part of the Lands of Milton of Craigie, and also the West Field of Dundee, to the Chaplainry of St. Salvator in the Parish Church of Dundee, being subjects which belonged to Patrick de Inverpefer, and dedicated to this Mortification, dated 7th March, 1390–1.

Note.—The Chaplainry of St. Mary the Virgin in the Church of St. Clement was endowed with and held another third part of the Lands of Craigie.

These were specially confirmed by the Charter of James VI., dated 16th January, 1601.

3. Two Charters by King Robert III. of properties and annual payment out of the Customs of the Burgh to St. Salvator's Chaplainry in the Parish Church of Dundee, dated 29th June, 1393, and 8th February, 1404–5; and copy Charter by the King confirming the Grant of Sir James Lindsay of his Tenement in Dundee for an Hospital, about 1391 or 1392.

4. Copies of Four Charters of Confirmation by the Duke of Albany, Governor of Scotland, of Chaplainries of St. George in the Parish Church, founded by the Earl of Crawford, dated 24th February, 1406–7.

5. Charter by Duke of Albany confirming Charter by David de Aberkerdore, Burgess of Dundee, to the Chapel of St. Mary in the Cowgate, dated 12th May, 1414, and confirmed 20th June, 1414.

6. Duplicate Charter by David de Aberkerdore to the Chapel of the Holy Trinity in the Cowgate, dated 20th September, 1429.

7. Instrument of Sasine, in favour of the Abbey of Balmireuich, on Land in Flukergate, on resignation of Margaret Bell, daughter of late Robert Bell, Burgess of Dundee, dated 12th June, 1453.

8. Charter of Foundation of St. Thomas's Chaplainry of the Church of St. Mary's, by W. Strathachan, Burgess of Dundee, dated 31st October, 1455.

9. Charter by John, Bishop of Brechin, confirming Charter by Margaret Strathachan to Malcolm Guthrie of Kyngenny, and Marjory, his spouse, of her right of alternate Patronage of Chaplainry of St. Thomas, Dundee, dated 14th December, 1481.

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No. 10. Charter by King JAMES IV. confirming Charter of a Chaplainry at St. Ninian's Altar within the Town, dated 20th June, 1498; Confirmation dated 24th August, 1498.

11. Papal Bulls and Orders and Process of the Papal Court (8 in number) respecting Presentation to Parishes and Chaplainries in the Dundee Churches, between January 1468 to 1520, including Bull by Pope LEO X., with seal and likeness attached, in a very complete state.

12. Charter Indentata partis of Ville de Craigie, Spectan JOHANNIS JACKSON, dated 31st August, 1540—being a Feu Disposition by Master RICHARD JACKSON, Chaplain of the Chaplainrie of the Blessed Mary in the Church of St. Clement within the Town of Dundee, "with consent of the Provost and twelve of the most suffient Men Burgesses of the said Town and usual patrons of my foresaid Chaplainrie," in favour of "his beloved JOHN JACKSON, Burgess of Dundee, of the half part of the third part of all and whole the Town and Lands of Milton of Craigie near Dundee, with the houses, tofts, crofts, and pertinents commonly called browsers part of Saint Clement's, part of said Chaplainrie, annexed and legally pertaining, lying within the Sheriffdom of Forfar"; as also the Manse of the Chaplainrie, commonly called Saint Clement's Manse, and pertinents—yearly feu of four bolls of corn, four bolls of oatmeal, and eleven pounds fifteen shillings Scots.

But the Deed reserves the liberty and utility of the Town to the free use of the whole portion between the road and the river from the Hospital, or houses of the lepers, at the west, even to Hayr Craig, and thence to the Ferry at the east; but chiefly the use of the quarries, and thence stones may be taken as oft and whensoever free on the ground, and other privileges, viz., of drawing and drying nets, and to carry small stones to keep suitable roads and to ballast ships; and also reserving free the Chapel of the Holy Cross and the Chapel of St. John, with the Cemetery of the same. (See memorandum following the Print of the Deed.)

13. Transumpt of Gleswellis Charter upon ye Lands of Cragy, 1540—being a Feu Disposition by said RICHARD JACKSON, with the consent of the Provost or Alderman and twelve of the most sufficient men of the Burgh of Dundee, and the usual patrons of the foresaid Chaplainrie, in favour of WALTER SCRYMGEOUR of Glaswell, of the half part of the third part of the Town and Lands of Milton of Craigie, with the houses, crofts, and pertinents, to the shadow or shady part of the lands of JOHN JACKSON. Feu-duty—four bolls corn, four bolls oatmeal, and seven pounds fifteen shillings Scots.

The same reservation in favour of the Town is inserted in this Feu-Deed as in the Deed in favour of JOHN JACKSON.

14. Copy Precept of Sasine in favour of the Provost, Bailies, and Community of the Burgh of Dundee, dated 15th April, 1567, following on Queen MARY's Charter.

An Instrument of Sasine followed thereon, as appearing in Protocol Book of THOMAS IRELAND, Notary Public, from 11th March, 1566-7, to 24th May, 1575—Fol. 4.

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No. 15. Extract Disposition by the Provost, Bailies, Council, and Deacons of Crafts, in favour of the Hospital of Dundee, dated 6th October, 1571, conveying for behoof of the Poor of the Hospital, as being part of the ministrie of the Burt, all and sundrie, "ye places, yardis, croftis, akeris, rentis, feu-malis, annual rents, emoluments, and uyeres dewties quhatsomever quhilks pertenet to ye Gray friers, Black friers, Gray sisteris, Chaplainries, Cloisteris, and Hebdomodaries of ye said Burt, to have been applyd to ye uphald and sustination of ye ministrie of ye said Burt."

16. Decree of Suspension—The Magistrates of Dundee *vs.* the Lord BOYD, Collector-General, dated 29th October, 1574.

17. Contract or Minute of Sale between the Earl of CRAWFORD and the Hospital of Dundee, dated 13th October, 1594, of Grounds at the Meadows and outside the Burgh Walls; with relative Discharge by the Earl to the Hospital, and two Charters by him to the Hospital, dated 17th November, 1594, and Disposition by the Earl to the Hospital thereof.

18. Disposition by HELEN LOVELL of St. Francis' Croft, 1628.

19. Charter of Confirmation and Novodamus by JAMES VI. to the Town of Dundee, dated 16th January, 1601. (See No. 75 of Inventory of Town's Writs).

This Charter confirms Charter by ROBERT II. of the Third part of the Lands of Craigie, and the Mortification thereof by PATRICK OF INVERPEFFER above made by him (Chaplainry of St. Salvator); and also the Mortification of St. Mary's Chaplainry in St. Clement's Church of Dundee of a third part of the Lands of Craigie, then held by the Magistrates and Council as Patrons; and also the Charter of Queen MARY, 15th April, 1567;—and all these Charters were again confirmed by Charter of CHARLES I., dated 16th September, 1641. (See Town's Writs, No. 93).

20. Articles of Roup of the Superiorities and Feu-duties of the third part of the Lands of Craigie, payable under the two foresaid Charters, dated 29th October, 1766, which were purchased by JAMES GUTHRIE, Jr., of Craigie at the upset price of £500 sterling.

21. Note of the Charter by the Hospital, to JAMES GUTHRIE of Craigie, of the pendicles known as Oliver's Croft, Roodyards, and Quarryholes, lying on the south side of the Ferry Road and towards the River, dated 18th July, 1766, with copy of the Registered Submission and Decreet Arbitral thereon between the Town and Hospital and Mr. GUTHRIE of Craigie regarding these pendicles, and sketch of Roodyards; and copy Feu-Charter by the Hospital to Mr. GUTHRIE of the pendicles.

NOTE.—Disputes have arisen between the Town and Hospital and the Proprietors of Craigie regarding their respective rights to portions of the Lands, and whereby—besides the portion of the Muir of Craigie found to belong to the Town—the Arbiters found that these pendicles of Oliver's Croft and Roodyards, &c., were not included as part or pertinent of the Estate of Craigie, but were to be held as a feu from the Hospital, and ordained the Patrons to grant a Feu-Charter accordingly, under reservations in favour of the Town as to the banks of the River therein mentioned.

These Lands are still held feu of the Hospital, for an annual feu-duty of £25 6s. 8d. Scots. (See Note appended to the print of the Feu-Charters of the Lands of Craigie by the Chaplain of St. Mary's).

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No. 22. Titles of Five acres and two butts of land, lying in the Westfield of Dundee, purchased by the Hospital from JOHN GRAHAM of Claverhouse and his Tutors in August 1655—(8 Writs).

23. Contract of Feu between the Town Council and Sir DAVID LINDSAY of Edzell, one of the Lords of Session, renouncing the Mortification by his mother in favour of the Hospital, dated 16th December, 1602—*(not signed by Sir David).*

24. Act of Privy Council exempting the Hospital Lands from Cess, 1668.

25. Decreet of Apprising of some acres of Land in Westfield, &c., at the instance of ALEXANDER KIRKALDY against MARGARET STIBBLES in 1663, conveyed by him to the Hospital in 1667, and other Writs relating thereto.

26. Disposition and Assignation—The Town of Dundee to the Hospital of Dundee—of Nine acres of Land, part of the Lands of Dudhope and Barony of Hilltown (contained in the Crown Charter of King WILLIAM to the Town in 1697), and now known as the Hospital Park, dated 19th April, 1711.

NOTE.—This property was conveyed by the Town to the Hospital for a part of the debt then due by the Town to the Hospital.

27. Registered Disposition by the Town of Dundee to the Hospital, dated 16th February, 1738, and Instrument of Sasine following thereon, of (1.) Nine acres and two roods of Land, called the "Langland" Acres, and bounded by the Shortbank Acres, sold by the Town to the Kirk Master; (2.) Nine acres of Land, called "Backside" Acres, lying on the west side of the Hilltown, and (3.) Four acres of Land, called "Butchart's" Acres—all lying within the Barony of the Hilltown and Parish of Dundee,—Disposition dated 10th June, 1706.

(These lands are part of the Lands of Dudhope and Barony of the Hilltown contained in the Charter by King WILLIAM to the Town in 1697, and were conveyed to the Hospital to account of debt due by the Town to the Hospital).

The lands conveyed by above Disposition have been subsequently, for most part, feued out by the Hospital.

28. Disposition by the Laird of Mylnefield, in favour of the Hospital of Dundee, of Four acres of Land lying in the Westfield of Dundee, dated 18th December, 1724, and various Titles of the properties.

29. Disposition by the Magistrates and Town Council of Dundee, in favour of the Patrons of the Hospital of Dundee, of the Land to the west of the Constitution Road Brae, including the Constitution Road Burying Ground, &c., dated 29th October, 1835, and Instrument of Sasine following thereon, dated 11th November, and registered 9th December, 1835.

NOTE.—This sale formed the subject of dispute in the Action between the Town and the Presbytery, and the Court of Session reduced it; and in consequence, and under the terms of the settlement of these disputes and the Act of Parliament following thereon, the Hospital re-conveyed the property to the Town, and the Town had to repay the price. (See Town's Writings.)

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No. 30. Instrument of Sasine in favour of the Patrons of the Hospital—Superiority of Watt Institution Building Lot, dated 25th, and registered 31st August, 1843.

31. Disposition by the Magistrates and Town Council and Trustees of the Town, in favour of the Patrons of the Hospital, of the portions of the Meadows found by Decree Arbitral by DAVID COBB, Writer, Dundee, to belong to the Hospital, and lying to the east of the Howff Wall and eastward towards New Inn Entry, comprising the northern part of Reform Street, dated 23rd March and 7th April, 1848, and Instrument of Sasine following thereon.

32. Printed copy of the various old Charters, Writs, and Documents connected with the Properties, Bequests, Gifts, and Rights of the Hospital, as selected by both parties, and reported on by COSMO INNES, Esquire, Advocate, and the Accountants named by the Court of Session in the progress of the litigations between the Presbytery of Dundee and the Town Council. 1850–60.

NOTE.—In these Actions, which were raised by the Church Authorities against the Town Council to account for the Properties and Funds which belonged to the Hospital, and confirmed and dedicated by the Charter of Queen MARY of 15th April, 1567, for the support of the Ministry and the Poor, a very full investigation took place regarding the ancient rights to the various properties held by the Town for behoof of the Hospital Fund, and by the Chaplainries, and comprehensive reports were made on all these rights and properties by Mr. COSMO INNES, a very learned antiquarian, under the remit from the Court of Session. In these Reports a summary of the various ancient grants, writs, and titles are given and printed, and a copy of these Reports, with the Appendices, and relative Reports by the Accountants, and opinions of the Judges, are here given, which will give a succint view of all these ancient writings, and the properties which had been dedicated to and belonged to the Town or the Church, and as to the Erection of Churches and provision for the Ministry. These Reports afford the best history and position of these rights and properties now available, and reference is made to the same.

The Hospital purchased from Mr. GEORGE MURRAY, M.D., in 1728, the Lands of Baldovie. These Lands were feued out on 26th August, 1734, and the Superiority of them sold in 1766, to THOMAS MYLNE of Mylnefield. The Hospital also purchased from Dr. MURRAY in 1728 the Lands of Drumgeith, and these were feued out by the Hospital on 15th September, 1740, to Mr. THOMAS READ, and the Superiority was also sold in 1766.

33. Declaration and Obligation by THOMAS LAMB, Temperance Hotel Keeper, Dundee, in favour of the Magistrates and Town Council as Patrons of the Hospital, that he has only toleration during their pleasure to erect a Balcony on the west wall of his property overlooking the Howff, and as to a Drain, dated 21st February, 1867, and registered in the Burgh Register of Sasines 22nd February, 1867.

34. A Bundle of Charters of Erection and Confirmation of Chapels, Chaplainries, Altarages, &c., and Grants of Land, and Ground Annuals to same, and to the Patrons of the Hospital, in the 16th century.

35. A Bundle of Dispositions and Grants of Lands to the Hospital, and other Writs in favour of the Hospital, in the 17th, 18th, and 19th centuries.

NOTE.—All the lands, gifts, and grants given by these ancient writs were confirmed to the Hospital by the Charters of Queen MARY, JAMES VI., and CHARLES I., referred to in the foregoing Inventory, and in the Inventory of Town's Writings.

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No. 36. Charter or Deed in favour of the Chaplainry of St. Salvator, dated 21st March, 1555, and bearing the Ancient Seal of the Burgh in excellent preservation.

This Seal is the only one extant in the Town's Repositories, and a lithograph will be found in the Print.

37. Decree of the Lords Commissioners respecting Rents of the Friars, Sisters, and Chaplainries of the Town of Dundee disponed for the use of the Poor, dated 12th August, 1573.

38. A number of Writs of Annual Rents and Properties in favour of the Poor, 1615, 1627, 1633.

39. Feu-Charters and Dispositions by the Hospital connected with the Hospital Properties feued out, embracing the old Hospital Gardens at Nethergate, Tay Street, east and west sides, the West Ward, east and west sides of North Tay Street and Guthrie Street, Ward Road, and Overgate, from 1754; also a number of Tacks of Hospital Lands.

40. A Bundle of Deeds and Writings connected with the feus belonging to the Hospital at Ward Road, Meadows, and Seagate.

41. A Bundle, containing old Bonds and Obligations, in favour of the Hospital, by various parties, of old dates.

These writings are all now subordinate to the subsequent arrangement of all the questions relating to the Hospital by the proceedings in the Court of Session known as the Hospital or Stipend Case Litigation, above referred to. By the Agreement between the Presbytery and Ministers and the Town Council, and all confirmed by the Act of Parliament in 1864, whereby the Properties and Funds belonging to the Hospital were defined and adjusted, both as between the Town and also Johnston's Charity, and separately declared therein.

42. The Act of Parliament referred to—27 & 28 VICTORIA, Cap. 14—entitled, An Act to confirm Agreements between the Magistrates and Town Council of the Royal Burgh of Dundee and the Presbytery and Ministers of Dundee with respect to the Churches and Hospital of the said Burgh, and for other Purposes (29 July 1864), and containing the Agreement between all the parties as thereby confirmed.

In the rubric of this Act the various properties belonging to, and bequests and sums gifted to the Hospital are narrated and defined and fixed by the Act and relative Agreement appended.

Johnston's Charity and Mortifications—

Box 15. Contains Titles of Ceres Haugh or Monorgan's Croft, twenty-one numbers, commencing with an Extract Registered Contract between JOHN MONORGAN and WILLIAM DUNCAN, dated 21st February, 1587–8, and Precept of Clare Constat by the Provost and Bailies of Dundee, the Superiors of the Croft, in favour of JOHN

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MONORGOUND, as heir of THOMAS MONORGOUND, his father, dated 13th May, 1595; and ending with Charter of Confirmation, dated 5th November, 1868, by the Magistrates and Council, in favour of themselves as Patrons of Johnston's Charity, as found by the House of Lords, and confirmed by Act of Parliament in 1864, which Act now defines, confirms, and establishes the Charity in time coming; also the said Act of Parliament confirming the Charity, being "The Dundee Churches and Hospital Act, 1864," 27 & 28 VICTORIA, Cap. 14 (29 July 1864).

There are other Mortification Writs in the Box, including those of Dr. GUILD, dated 19th December, 1656; THOMAS HALYBURTON, 1672; PATRICK YEAMAN, in favour of the Catechist, dated 6th May, 1675; DAVID FERGUSON, dated 20th December, 1695; WILLIAM STEVENS, dated 12th July, 1720; CLARK's Mortification, N. HENDERSON, JAMES RAMSAY, 1734; JOHN BROWN, dated 7th November, 1768, and JAMES WEBSTER, dated 14th November, 1789.

NOTE.—Nos. 80, 84, 97, 121, and 123 of Inventory of Town's Writs, being documents affecting the Seamen Fraternity, were authorised by Minute of the Town Council of 4th June, 1828, to be borrowed by the Fraternity, on their Petition to the Council. The Writs have not been returned.

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